

DRINKING WATER BOARD
PACKET

JULY 13, 2007

CEDAR CITY, UTAH

AGENDA

OF THE

DRINKING WATER BOARD
MEETING

ON

JULY 13, 2007



State of Utah

Department of
Environmental Quality

Richard W. Sprott
Executive Director

DIVISION OF DRINKING WATER
Kenneth H. Bousfield, P.E.
Director

Drinking Water Board
Anne Erickson, *Chair*
Myron Bateman, *Vice-Chair*
Ken Bassett
Daniel Fleming
Jay Franson, P.E.
Helen Graber, Ph.D.
Paul Hansen, P.E.
Laurie McNeill, Ph.D.
Richard W. Sprott
Petra Rust
Ron Thompson
Kenneth H. Bousfield, P.E.
Executive Secretary

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

**DRINKING WATER BOARD
MEETING**

July 13, 2007

1:00 p.m.

Place: Heritage Center

Festival Hall

105 North 100 East

Cedar City, Utah 84720

Ken Bousfield's Cell Phone #: (801) 674-2557

1. Call to Order – Chairman Erickson
2. Roll Call – Ken Bousfield
3. Introductions – Chairman Erickson
 - 1) Introduce New DEQ Director
4. Approval of Minutes – May 11, 2007
5. SRF/Conservation Committee Report – Vice Chairman Myron Bateman
 - 1) Status Report – Ken Wilde
 - a) Status Report
 - b) Loan Origination Fee
 - 2) State SRF Applications
 - a) Project Priority List (Karin)
 - b) Toquerville Planning Loan (Rich)
 - c) Greenwich (Michael)
 - d) Cedar Hills (Julie)
 - e) Midvale (Julie)
6. Chairman's Report – Chairman Erickson
7. Directors Report
 - a) Conflict of Interest Forms
 - b) Body Politic Rule Status
 - c) Erda Special Service District's Status Report

8. News Articles
9. Letters
10. Next Board Meeting:
 - Date: September 14, 2007
 - Tour: Conservation Garden Park at Jordan Valley
8215 South 1300 West
West Jordan, Utah
 - Time: 9:00 a.m.
 - Lunch: Archibald's at Gardner Village
1100 West 7800 South
West Jordan, Utah
 - Time: 11:30 a.m.
 - Board Meeting: Jordan Valley Water Conservancy District
 - Address: 168 North 1950 West, Room 101
Salt Lake City, Utah 84116
 - Time: 1:00 p.m.
11. Other
12. Adjourn

In compliance with the American Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Brooke Baker, Office of Human Resources at: (801) 536-4412, TDD (801) 536-4424, at least five working days prior to the scheduled meeting.

AGENDA ITEM 8

NEWS ARTICLES

The Salt Lake Tribune

<http://www.sltrib.com>

Boosting the bottom line

Sewer fees climb for users in south valley

Individual billings have increased by \$5.50 to help pay for a new wastewater facility

By Steve Gehrke

The Salt Lake Tribune

Salt Lake Tribune

Article Launched:07/03/2007 01:24:26 AM MDT

A third of Salt Lake County is paying higher sewer premiums to usher in a new wastewater-treatment facility.

South Valley Sewer District trustees have voted to boost monthly user fees by \$5.50, bringing that charge up to \$20.50.

The change took effect Sunday. It affects customers in Riverton, Herriman, Bluffdale, Draper, South Jordan, the southern parts of Sandy and unincorporated Salt Lake County west of Herriman.

About 250 users in Draper's SunCrest development will see smaller hikes. Their monthly fees will increase from \$18.50 to \$21, according to district General Manager Craig White. The difference: The sewer district splits responsibilities for some of SunCrest's wastewater with Utah County's Timpanogos Special Service District.

The rate jump comes 30 days after South Valley Sewer enacted a \$1,000 connection-fee bump on all new construction in the Salt Lake Valley's booming southern third.

White said that one-time charge will cover the \$89 million cost of building a basic treatment facility, while Sunday's \$5.50 per month fee hike will fund the additional \$37 million to upgrade to a higher-tech plant.

The "cell membrane" facility will leave a smaller footprint at the west bank of the Jordan River near 13500 South, where it is planned to be built by the end of 2010. In addition, wastewater will undergo a more-intense cleaning process with the cell-membrane plant, allowing effluent to return to the river.

At some point, the water could be reused as secondary water.

White said Sunday's rate hike sets into motion the financing for the project.

"Now, when we receive site-plan approval from Riverton, we can go out and bond," White said. "This will keep us moving forward with the treatment project."

sgehrke@sltrib.com

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The Salt Lake Tribune

<http://www.sltrib.com>

Reservoir to cap water woes

City buys reserve so it can funnel irrigation water to homes, halt culinary-water tapping

By Steve Gehrke

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated:07/03/2007 01:24:12 AM MDT

Some Mapleton residents' pricey water bills are about to get hosed down.

The Utah County city south of Provo acquired a reservoir last week so it can funnel pressurized irrigation water to its 1,860 homes. All but 350 of those households have been tapping expensive - and precious - culinary (treated drinking) water to keep their lawns green because pressurized irrigation water was not available everywhere.

"This will provide enough irrigation water to supply our pressurized irrigation needs citywide," Mayor James Brady wrote in a statement.

Mapleton once owned the 18-acre reservoir at the eastern end of Maple Street near Dogwood Drive, but it sold the area to the Mapleton Irrigation Co. That company provided water for farms in the southern part of the city.

But the reservoir since has fallen into disrepair as farms began to die out. It will cost the city at least \$4 million to prepare the reservoir for use again.

But City Administrator Bob Bradshaw said that doesn't necessarily mean a tax hike is on the way.

"We're hoping to pay for the whole system on a self-financing basis," Bradshaw said, "though obviously there will be a charge to use the pressurized irrigation water. We may have to raise money through bonds and, to that extent, it will have impact on all users of the city."

The move is significant for about 1,500 Mapleton residents whose monthly summertime water bills have reached triple digits from irrigating their yards with culinary water. That price is about six times as high as the 350 households in the northwest who have had access to pressurized irrigation water and pay just \$17 monthly.

That has left the majority of homeowners awaiting relief. All homes built in the past seven years - an estimated 1,000 - have the infrastructure necessary to provide pressurized irrigation water. In addition, parts of Springville and Spanish Fork may join in the venture and receive some of the reservoir water.

But Bradshaw warned the relief will not be immediate. It could be 1 1/2 years before the reservoir comes online.

Once it does, Bradshaw said the system will be "a major leap forward" for Mapleton.

Most important, the pressurized irrigation system will reduce the demand on the culinary-water system.

"It's a crying shame," Bradshaw said, "to waste such a valuable resource for keeping the grass green."

sgehrke@sltrib.com

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The Salt Lake Tribune

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How it go there still mystery

Fish kill: Fertilizer nitrates may be to blame for 500 dead Parleys Creek trout

By Brett Prettyman

The Salt Lake Tribune

Salt Lake Tribune

Article Launched:07/03/2007 01:24:03 AM MDT

Salt Lake City and state officials believe exceptionally high levels of nitrate are responsible for a widespread fish kill on Parleys Creek last week, but they still don't know how it got into the water.

"You can get nitrates from fertilizers. That's the first thing that pops into my mind," said Florence Reynolds, who is in charge of water quality and treatment for Salt Lake City. "I don't know what other kinds of material would have a heavy enough nitrate level to show up like that."

The nitrate level in the creek at Parleys Nature Park near the mouth of Parleys Canyon was 1.66 milligrams per liter June 26 at 8 a.m. when a Salt Lake City water-quality and treatment monitoring station collected a sample as part of a water-quality project.

Last week's numbers were even more alarming at a station near Sugar House Park, where the nitrate level was 21.05 milligrams per liter. Nitrates that reach 4 milligrams per liter are toxic to cold-water fish, like the more than 500 Bonneville cutthroat trout found dead in the creek. The highest nitrate level previously recorded on Parleys Creek was 0.8.

The nitrate level was likely higher at Parleys Nature Park at one point, but the sampling took place after the nitrates had flowed downstream.

"It was very unusual to get readings that high," Reynolds said.

The temporary spike in nitrate flows points to some kind of spill or dumping. There would not have been any danger for humans or dogs swimming in Parleys Creek between Parleys Nature Park and Sugar House Park around June 26.

Mike Slater, an aquatic biologist for the Utah Division of Wildlife Resources in charge of Wasatch Front streams and creeks, said he typically finds nitrate levels between 0.3 and 0.8 milligrams per liter.

"I hope I can say that is the culprit," he said of the elevated nitrate levels. "How and where and what produced those high levels I do not know."

Human and animal waste also can lead to high nitrate levels. Some have speculated that the off-leash dog area of Parleys Nature Park may have contributed to the problem, but Slater said the fact that the origin of the fish kill occurred on the other side of Interstate 215 rules out that possibility. He also said that issues with dog waste in Parleys Creek would have shown up before this event because Salt Lake City and the DWR have been monitoring the water for years.

The trout also were likely already stressed by a water temperature of 74 degrees on June 26, which is on the threshold of tolerance for the species.

Reynolds said the water-treatment facility on Parleys Creek at Mountain Dell Reservoir is not responsible for any contamination and called the nitrate level "suspicious."

Slater said he has some leads involving bridge construction on the Parleys Trail where it crosses Interstate 215 at the mouth of Parleys Canyon, but that nothing definitive has been concluded about where the high level of nitrates developed.

The pond at Sugar House Park appears to have served as a dilution point for the nitrate because fish in Parleys Creek below the park did not suffer the fate of the trout above the pond.

Results of samples from other agencies, including the Division of Water Quality, are coming soon, but are expected to confirm that an abnormally high level of nitrate is probably what led to the fish kill.

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How it go there still mystery

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brett@sltrib.com

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No dogs in stream

Public Forum Letter
Salt Lake Tribune

Article Last Updated: 07/02/2007 07:14:43 PM MDT

How sad to read of 450 dead Bonneville cutthroat trout, our state fish, in Parley's Nature Park (*Tribune*, June 27).

The photograph of a yellow sign, however, is puzzling. It warns dog owners to keep their dogs out of the water. The truth is that one nature park rule says, "Dog handlers must take precautions to ensure their dogs do not disturb wildlife and sensitive environmental areas like *streams*, ponds and historical sites."

All handlers allowing dogs into the stream are breaking this most important rule, offending this sensitive environment. When off-leash dogs run in and out of this stream their claws erode stream banks and riparian areas. Their running in the water creates more silt, which can suffocate fish. When dogs chase the trout, it stresses them.

This nature park needs management, protection, preservation and restoration, not further destruction. The current overuse far exceeds the carrying capacity of this park. When will our "environmental mayor" Rocky Anderson ever start to enforce the rules and manage this most special ecological place, dedicated in 1986 as a nature *preserve*?

Nancy van Allmen
Salt Lake City

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The Salt Lake Tribune

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Water shortage

Park City declares drought; residents asked to cut back

Tickets could come if users violate mandatory limits, but most actions voluntary

By Christopher Smart

The Salt Lake Tribune

Salt Lake Tribune

Article Launched:06/30/2007 02:10:14 AM MDT

Below-average snowfall in winter combined with hot and dry conditions this spring and summer have led Park City officials to declare a Stage I drought in the Wasatch Back resort city.

Officials are asking residents and businesses to voluntarily cut back water use, and they are ready to write citations for those who violate mandatory aspects of the town's water ordinance, according to Myles Rademan, Park City director of public affairs.

It looks like a long, hot summer ahead. And because July is the month of peak demand, things may get worse before they get better, said water manager Kathy Lundborg.

As defined by Park City regulations, a Stage I drought must be declared when demand exceeds 85 percent of the town's water-source capacity.

This year, because of dry conditions, 85 percent is equivalent to 8.3 million gallons per day, Lundborg said.

"Our flows are low."

Under normal circumstances, Parkites cannot water lawns more than every other day and are prohibited from watering from 10 a.m. to 7 p.m. Property owners can be cited if they water more frequently.

Voluntary restrictions ask residents and businesses to water grass and shrubs only every third or fourth day.

Also, city officials suggest that property owners turn off ornamental fountains and cover swimming pools to cut evaporation. In addition, they ask restaurants not to serve water unless requested by customers.

Park City gets its water from the Spiro and Judge tunnels, Thiriot Springs and three wells.

It also pipes in 1.4 million gallons daily from the Jordanelle Service District.

A Stage II drought would be declared if demand exceeds 90 percent of available flows, Rademan said.

Under that scenario, lawns can be watered only twice a week, no new landscaping can be installed and cars can only be washed at facilities that recycle water.

csmart@sltrib.com

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deseretnews.com

Deseret Morning News, Monday, July 02, 2007

Park City hits stage-one drought*Residents asked to heed new water restrictions***By Amelia Nielson-Stowell**

Deseret Morning News

Park City water users are being asked to follow a set of strict regulations after city leaders declared a stage-one drought in the resort town.

Although a stage-one level is voluntary, the city is pushing conservation to avoid declaring a stage-two or even stage-three drought. City officials are handing out citations with fines up to \$300 to violators of current water law.

The last time the city was in a drought was in 2003. As of Wednesday, Park City has been exceeding 85 percent of its capacity — 8.3 million gallons per day.

"We're starting to get perilously close to having a huge problem," said Myles Rademan, the city's spokesman.

A combination of less snowfall than usual, high temperatures in the spring and increasing growth in the town of 8,000 people has brought on the low water levels.

Park City gets its water from mine tunnels and wells. Because of small supplies, the city for years has reserved a water supply in Smith Morehouse Reservoir, 18 miles from Park City. Funding and alignment of a pipeline, however, has been difficult and has prevented tapping into that reservoir sooner, Rademan said.

Current water storage in the city allows for 10 million gallons in tanks. That amount is sufficient during the winter months, when only 2.5 million to 3 million gallons are used daily, Rademan said. But with irrigation taking up 70 percent of water use in the summer, the level has been shrinking fast.

City water law, which the city adopted in 2003, calls for no landscape watering between 10 a.m. and 7 p.m. and only watering every other day. The city hands out warnings and does public-service announcements to remind residents to comply.

The city is also asking residents to limit washing cars, sidewalks and driveways; shut down fountains and ponds that do not recycle water; limit refilling swimming pools and hot tubs; and cover pools to reduce water loss, among other measures.

With a hot summer underway, the city is concerned. If city officials move up to declaring a stage-two or stage-three drought, tougher restrictions will be placed on residents. Under stage-two restrictions, no landscape planting is allowed. During stage-three restrictions, no lawn or landscape watering is allowed. Non-compliers will probably get their water shut off, said Rademan.

"I hope people will look around and realize we live in the second-driest state, and there's a drought going on here," he added. "We're very concerned about this."

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The Salt Lake Tribune

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Firefighters remove a chlorine stockpile from a water treatment plant for fear of toxicity

By Glen Warchol

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated:07/02/2007 04:01:59 AM MDT

TRIDELL - When firefighters ordered the tiny town of Tridell be evacuated, Bryan Smith refused to abandon his isolated house, a couple of miles south of the flames.

"I was aware of the situation," he said. "The wind was north and I wasn't in much danger."

Smith, a water master or "ditch rider," stayed to watch over his irrigation ditches that were rapidly emptying as residents upstream opened the gates to protect their homes.

"Water is in short supply; it's very precious," Smith said, but he completely understood his neighbors' actions.

Smith's wife and two children, however, left to seek refuge with a sister, leaving Bryan and his dog to fend for themselves.

The threat to Tridell was more than just the flames themselves. A water treatment plant near Whiterocks had a stockpile of chlorine for purification purposes. Firefighters feared that if the flames reached the chlorine, it would produce a toxic plume.

"They wanted everybody around here to get out," Smith said.

But crews removed the tanks of chlorine and defused the situation even before the fire's direction changed. They allowed the residents to return to their homes, but Smith said as of Sunday afternoon few had. "I guess they figure they are safe where they are."

Smith was out checking his ditches and gates as smoke swirled out of the national forest a few miles away. "I sit here and watch the planes," he said as large tanker aircraft dumped water on the fire. "They brought some big ones in."

A few miles away, on the outskirts of Whiterocks, Todd and Cara Mair evacuated their home for just a few hours Saturday, then returned when the fire receded to spend the night in their house with their three teenage children despite the lingering, eye-stinging smoke.

Though most of the smoke had cleared from their yard, the Mairs still had their pickup truck piled with belongings Sunday.

"We are already packed," Mair said. "We are ready to go if the fire comes this way."

gwarchol@sltrib.com

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Deseret Morning News, Sunday, July 01, 2007

Sewer fees rise for homes in southern third of county

By Jared Page

Deseret Morning News

DRAPER — The cost of sewer service will increase by \$5.50 per month beginning today for most homes in the southern third of Salt Lake County.

The South Valley Sewer District Board of Trustees unanimously approved the fee hike Wednesday, a move necessitated by the planned sewage-treatment plant in Riverton, sewer district officials said.

Service fees for sewage treatment and collection for single-family residential homes in Riverton, South Jordan, Herriman, Bluffdale, most of Draper, a southern portion of Sandy and some unincorporated areas in southwest Salt Lake County will increase from \$15 to \$20.50 per month.

In Draper's Suncrest development, monthly fees will increase from \$18.50 to \$21. Rates are higher in that area because South Valley collects the flows but the Timpanogos Special Service District in American Fork treats them on the Utah County side of the development, officials said.

The South Valley Sewer District plans to build a membrane bioreactor plant near the Jordan River at 13500 South. The treatment plant has been in the works for about five years but has been slowed by a legal fight over where it could be built.

Riverton residents who had wanted to block the facility from being built near their homes reached a settlement with the city and the sewer district in February.

Part of that settlement was a promise by the sewer district to build a more neighbor-friendly plant that uses membrane technology rather than the traditional staged-aeration method.

With a price tag of about \$126 million, a membrane facility is about \$37 million more expensive than the traditional plant, creating the need for the rate hike, said Craig White, sewer district general manager.

"(The rate increase) will cover the membrane component," White said.

In May, the board voted to boost the cost of new sewer connections in the district's service area by about \$1,000 per home, an increase White said would have been needed no matter what type of plant was built.

Design and construction of the plant is expected to take three years.

E-mail: jpage@desnews.com

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deseretnews.com

Deseret Morning News, Friday, June 29, 2007

Enlarged reservoir is called a victory for Uinta Basin

By Geoff Liesik

For the Deseret Morning News

ROOSEVELT — With the cold waters of the recently enlarged Big Sand Wash Reservoir shimmering behind him Thursday, Assistant U.S. Interior Secretary Mark Limbaugh reflected on conflicting historic views of the Uinta Basin's promise as a land for settlers.

"A vast contiguity of waste, valueless excepting for nomadic purposes and to hold the world together," Limbaugh said, quoting from an 1861 Deseret News account of a survey of the region commissioned by Brigham Young.

Limbaugh followed that dire assessment with a passage from the diary of Father Escalante, who traveled through the area nearly a century before Young's surveyors.

"A fine plain abounding in pasturage and fertile, arable land, provided it were irrigated," Limbaugh said, before asking, "What's the difference between these two perspectives? The difference is vision."

Limbaugh's remarks came during a dedication ceremony held atop the Big Sand Wash Dam about 18 miles west of Roosevelt. The dam was originally completed in 1964, primarily to provide the irrigation water that Escalante envisioned would turn the Uinta Basin into a prosperous agricultural area.

Enlargement of the reservoir, which began in 2004, was the next step toward turning that vision into reality.

"The journey to today's celebration was longer and more difficult than any of us had planned," Limbaugh said, "and the unexpected difficulty of our journey makes today a victory for those who carried the project forward and for those who will benefit from it."

The newly constructed dam doubles the amount of water the reservoir can hold from 12,100 acre-feet to 24,200 acre-feet. The additional water includes 3,000 acre-feet of municipal and industrial water for Roosevelt and neighboring communities and another 2,500 acre-feet of irrigation water.

The reservoir also allows for stabilization of 13 aging high-mountain lakes in the Lake Fork drainage that serve as the headwaters for Big Sand Wash, benefiting the area's ecosystem. And people will be able to use the reservoir for recreation such as boating and fishing.

Work on the pipeline from Sand Wash to Roosevelt is about 98 percent complete. It is expected to begin delivering water in the spring of 2008 at three diversion points in the city. Roosevelt will use the water to create a secondary water system. City residents currently use a combination of culinary and irrigation water to water their lawns.

"This project is a public-private partnership that helps the environment and adds storage," Limbaugh said before the dedication. "It's a good example of the partnerships the federal government needs to make in the West."

The enlargement project included not only the work of the Interior Department's Bureau of Reclamation, but also the cooperation of the Central Utah Water Conservancy District; the Central Utah Project; the Utah Reclamation, Mitigation, and Conservation Commission; the Moon Lake Water Users Association; the Duchesne County Water Conservancy District; and Duchesne County.

"This did not come easily," Central Utah Project Completion Committee Chairman Gary Palmer told the dedication audience. "I stand here today because many people worked together. I'm proud to be part of an organization that doesn't just talk but makes things happen."



Guests at Thursday's dedication of Big Sand Wash Reservoir in Duchesne County look at displays.

Geoff Liesik, Uintah Basin Standard

E-mail: geoff@ubstandard.com

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The Salt Lake Tribune

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Chemical pollution suspected in Parleys Creek trout die off

Up to 500 trout succumb

By Brett Prettyman

and Judy Fahys

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated:06/27/2007 08:25:58 AM MDT

A chemical spill or dump of unknown origin is the likely culprit in the deaths Tuesday of as many as 500 cutthroat trout in Parleys Creek, with dead fish littering the stream from Parleys Nature Park at the mouth of the canyon to Sugar House Park down below.

Water and fish samples were collected by several agencies, including the Salt Lake County Health Department and the Utah Department of Water Quality.

"We have some ideas, but we really can't say at this point what happened," said Mike Slater, an aquatics biologist with the Utah Division of Wildlife Resources (DWR). "Things are leading us toward some kind of chemical that was spilled or put in the water."

Terry Pantuso was making his way down into the nature park with his dog Tuesday morning - the park is a popular off-leash area for dogs - when a woman heading up from the gully told him what had occurred.

"She told me there were dead fish everywhere," Pantuso said. "I was up there [Monday] and saw them swimming and [now] they are all dead."

State and federal officials, along with representatives of Trout Unlimited, converged on Parleys Creek and found the entire population of native Bonneville cutthroat in the nature park floating belly up.

Brock Richardson of Trout Unlimited walked the length of the creek at the park and counted 450 dead cutthroat. He then went to Sugar House Park, where Parleys Creek feeds the pond there, and found more dead trout.

State wildlife officials dismissed an earlier theory of a heavy silt load killing the fish and now believe there was some sort of chemical, possibly chlorine, involved.

Pam Davenport, spokeswoman for the health department, said her agency hoped to get results back from its water tests today.

She noted that the health department did not know late Tuesday what was released into the water but that whatever it was had already drifted downstream.

"At this point in time, we do not think there is a public health threat," she said.

Parleys Creek is not a drinking water source.

Dan Griffin, an environmental engineer with the state Division of Water Quality, said initial tests of the water and scouring the stream for clues all day revealed nothing unusual besides the dead fish. Other aquatic life in the stream evidently had not been harmed, he said.

He and a colleague tested the water just below the graffiti-covered concrete bridge that appeared to be the dividing line above which fish were not harmed. He said the earliest the tests results would be in is late Thursday, and some would not be available until next week.

"The water samples might point to something," he said, "or they might rule out things."

Griffin said the U.S. Fish and Wildlife Service took around 30 of the dead fish, and sent at least one to a laboratory in Wisconsin.

Tests on the fish could reveal, for instance, whether the trout were starved for oxygen by silt or if they succumbed to a chemical.

Parleys Creek is not a popular fishery, but it is home to a native population of Bonneville cutthroat trout whose proposed inclusion on the Endangered Species List has been blocked by court action.

The DWR has a plan to bolster Bonneville cutthroat populations to help keep the trout off the endangered list, and Slater says the loss of the Parleys Creek fish will not affect the agency's efforts.

"This is a big stretch of stream and it is concerning that we have lost a conservation population, but this should not put a damper on the program," he said.

Slater and other DWR officials were collecting eggs and milt from Bonneville cutthroat at Mountain Dell Reservoir, the source of the creek in Parleys Canyon, on Tuesday morning when they heard about the fish kill.

"Maybe, if we deem it necessary, we can use some of the fish from that collection at Mountain Dell to repopulate that portion of Parleys Creek," he said.

Many Parleys Nature Park visitors were scared away by a handwritten sign posted at the entrance. It said the "water may be toxic" and warned people to "mind

your dogs."

A few women who brought their dogs for a walk turned around when they saw it. At least one said she let her golden retrievers swim because a bunch of kids were already in the water.

Audrey and Steven Lewis of Salt Lake City took their West Highland terrier, Ozzy, for a walk in the park but did not let him swim despite the dog's objections. The two were shocked to see the dead fish everywhere.

"I won't come back until I hear it's OK on the news," said Steven. "I hope it's nothing serious, and we can get back here soon," his wife added.

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Chemical pollution suspected in Parleys Creek trout die off

Up to 500 trout succumb

By Brett Prettyman

and Judy Fahys

The Salt Lake Tribune

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A chemical spill or dump of unknown origin is the likely culprit in the deaths Tuesday of as many as 500 cutthroat trout in Parleys Creek, with dead fish littering the stream from Parleys Nature Park at the mouth of the canyon to Sugar House Park down below.

Water and fish samples were collected by several agencies, including the Salt Lake County Health Department and the Utah Department of Water Quality.

"We have some ideas, but we really can't say at this point what happened," said Mike Slater, an aquatics biologist with the Utah Division of Wildlife Resources (DWR). "Things are leading us toward some kind of chemical that was spilled or put in the water."

Terry Pantuso was making his way down into the nature park with his dog Tuesday morning - the park is a popular off-leash area for dogs - when a woman heading up from the gully told him what had occurred.

"She told me there were dead fish everywhere," Pantuso said. "I was up there [Monday] and saw them swimming and [now] they are all dead."

State and federal officials, along with representatives of Trout Unlimited, converged on Parleys Creek and found the entire population of native Bonneville cutthroat in the nature park floating belly up.

Brock Richardson of Trout Unlimited walked the length of the creek at the park and counted 450 dead cutthroat. He then went to Sugar House Park, where Parleys Creek feeds the pond there, and found more dead trout.

State wildlife officials dismissed an earlier theory of a heavy silt load killing the fish and now believe there was some sort of chemical, possibly chlorine, involved.

Pam Davenport, spokeswoman for the health department, said her agency hoped to get results back from its water tests today.

She noted that the health department did not know late Tuesday what was released into the water but that whatever it was had already drifted downstream.

"At this point in time, we do not think there is a public health threat," she said.

Parleys Creek is not a drinking water source.

Dan Griffin, an environmental engineer with the state Division of Water Quality, said initial tests of the water and scouring the stream for clues all day revealed nothing unusual besides the dead fish. Other aquatic life in the stream evidently had not been harmed, he said.

He and a colleague tested the water just below the graffiti-covered concrete bridge that appeared to be the dividing line above which fish were not harmed. He said the earliest the tests results would be in is late Thursday, and some would not be available until next week.

"The water samples might point to something," he said, "or they might rule out things."

Griffin said the U.S. Fish and Wildlife Service took around 30 of the dead fish, and sent at least one to a laboratory in Wisconsin.

Tests on the fish could reveal, for instance, whether the trout were starved for oxygen by silt or if they succumbed to a chemical.

Parleys Creek is not a popular fishery, but it is home to a native population of Bonneville cutthroat trout whose proposed inclusion on the Endangered Species List has been blocked by court action.

The DWR has a plan to bolster Bonneville cutthroat populations to help keep the trout off the endangered list, and Slater says the loss of the Parleys Creek fish will not affect the agency's efforts.

"This is a big stretch of stream and it is concerning that we have lost a conservation population, but this should not put a damper on the program," he said.

Slater and other DWR officials were collecting eggs and milt from Bonneville cutthroat at Mountain Dell Reservoir, the source of the creek in Parleys Canyon, on Tuesday morning when they heard about the fish kill.

"Maybe, if we deem it necessary, we can use some of the fish from that collection at Mountain Dell to repopulate that portion of Parleys Creek," he said.

Many Parleys Nature Park visitors were scared away by a handwritten sign posted at the entrance. It said the "water may be toxic" and warned people to "mind

your dogs."

A few women who brought their dogs for a walk turned around when they saw it. At least one said she let her golden retrievers swim because a bunch of kids were already in the water.

Audrey and Steven Lewis of Salt Lake City took their West Highland terrier, Ozzy, for a walk in the park but did not let him swim despite the dog's objections. The two were shocked to see the dead fish everywhere.

"I won't come back until I hear it's OK on the news," said Steven. "I hope it's nothing serious, and we can get back here soon," his wife added.

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Deseret Morning News, Wednesday, June 27, 2007

Officials mystified by fish kill**By Joe Bauman**

Deseret Morning News

TANNER PARK — A dozen dead trout lay on the bottom of Parleys Creek a few yards upstream of the concrete bridge. Beneath the bridge were another six.



Mike Slater, Division of Wildlife Resources aquatic biologist, says division officers could find no live trout at Tanner Park Tuesday.

Jeffrey D. Allred, Deseret Morning News

stream on Sunday, but by Monday afternoon it was as clear as ever.

The trout, which ranged from fingerlings to about 5 or 6 inches, were a small portion of a fish kill discovered Monday, with the total likely more than 500.

"That's terrible," said Dan Archuleta, Canyon Rim, who was walking his three dogs on the nature trail. "I don't want to let my dogs off this leash."

Along a single stretch of the creek, Brock Richardson of the Salt Lake City chapter of Trout Unlimited, the Stonefly Chapter, counted 453 dead Bonneville cutthroat trout. He hiked the route with Mike Slater, aquatic biologist for the Utah Division of Wildlife Resources.

"Anytime you see more than a couple of dead fish, it's surprising," said Richardson.

Slater said other agencies also were investigating the kill, including the U.S. Fish and Wildlife Service, the Utah Department of Environmental Quality and the Salt Lake Valley Health Department.

Investigators first suspected that sediment, possibly from construction activities, had swept into the stream and the silt had killed the trout. They'd heard reports that silt was in the

"And the sediment down in Sugar House did not look bad," Richardson said.

Also, Slater and Richardson hiked upstream beyond the point where construction was taking place and found dead fish there too.

A fish disease is unlikely because the trout died at the same time. A landslide that released silt and the introduction of some chemical were the only other reasons experts could imagine.

At the park, Slater said officers searched diligently for live fish, hoping to get a better idea of what had happened. But they could find none.

"It appears to be a complete kill," he said.

"We did take water samples," Slater noted. They also collected a couple of the fish. Sampling results will not be available for a few days.

Meanwhile, experts checked the acidity of Parleys Creek on Monday and found that it is normal.

"Wow, we're really mystified about what could have happened," said DWR conservation officer Ray Loken, speaking in a telephone interview.

Bonneville cutthroat trout are a native species, surviving in scattered streams after ancient Lake Bonneville declined thousands of years ago. While the species is not listed as threatened or endangered, its population is low enough that the DWR is working hard to re-

establish it.

Slater said the deaths do not put a dent in the cutthroat population. The DWR had collected 130,000 Bonneville eggs this week in the reintroduction program, he said.

"I have no idea" what caused the deaths, Slater added.

If it was a chemical, it may not be in the water any longer in significant levels.

"I'm not itching," Richardson said, "and I've been wading in it all morning."

This is not the first fish kill in Parleys Creek. In January 2000, an estimated 185 Bonneville cutthroat trout died near Tanner Park after chlorinated water spilled into the creek. Salt Lake City officials said valves on Park Reservoir, a 12-million-gallon facility, had failed to seal properly.

However, this kill apparently cannot be blamed on a reservoir malfunction. Slater said he talked with utility officials and is convinced there was no similar problem.

"It's some kind of chemical, spilled, fallen, been put into the system there," Slater said, "or a combination of that and sediment."



A dead trout floats in Parleys Creek Tuesday. Several agencies are investigating death of 500-plus fish.

Jeffrey D. Allred, Deseret Morning News

E-mail: bqu@desnews.com

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The Salt Lake Tribune

<http://www.sltrib.com>

Downtown Salt Lake City well found tainted with rocket fuel additive

Levels of the contaminant are very low; its health impacts are hotly debated

By Judy Fahys

and Jason Bergreen

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated:06/27/2007 06:19:29 AM MDT

A popular downtown artesian well is mildly contaminated with perchlorate, an additive to rocket and jet fuel whose health impacts are hotly debated.

The well, at the corner of 500 East and 800 South in Salt Lake City, has been cherished as a pure water source for more than a century. How its water might have become contaminated is a mystery, said Florence Reynolds, water quality and treatment manager for the Salt Lake City public utilities office.

"We don't want to cause a panic," she said, noting that the contamination is roughly equal to four drops of perchlorate in an Olympic-sized swimming pool.

The Salt Lake Valley Health Department has ruled out posting any health warnings at the site.

"The Health Department does not feel there is a public health risk," said Pam Davenport, a department spokeswoman.

Regulation of perchlorate has been controversial for years. The U.S. Environmental Protection Agency has set a guideline of 24.5 parts per billion for drinking water, which is considered a virtually safe dose over a lifetime.

The chemical is an endocrine disrupter, which means it alters hormone levels. Perchlorate tampers with the thyroid, which regulates metabolism in adults and may interfere with proper mental development in fetuses and small children, according to the state Division of Solid and Hazardous Waste. It also may cause thyroid tumors.

Two water tests at the Artesian Wells Park showed levels about 4.6 parts per billion, Reynolds said. At levels that low, there is no evidence and no suggestion from the EPA or the U.S. Food and Drug Administration that there is any harm, Davenport added.

Jim Gieber has been drinking water from Artesian Wells Park for more than 10 years. On Tuesday, he was filling several 5-gallon bottles, because, he said, it tastes better than the water in Bountiful where he lives.

"I'll take my chances," Gieber said. "I trust it, I've never gotten sick or anything."

West Jordan resident Angela Roberts said she worries more about the fluoride cities use to spike their water supplies than about perchlorate. She visits the well about twice a month to fill two dozen 1-gallon water bottles. She and her three daughters, ages 2 to 7, use it for drinking and eating.

Christian Heap, who also was filling blue water bottles Tuesday, said, "I think I'm going to trust Mother Earth over [the city's] pipes."

Some states have set the allowed levels for perchlorate at 200 ppb, said Reynolds. On the opposite, conservative end of the spectrum, the state of Massachusetts has a standard of 1 ppb.

The Department of Agriculture recently notified the city of the contamination. The state agency had embarked on an extensive study of perchlorate in Utah's water last year, after finding traces of the chemical in milk that reached 6.22 ppb.

The city has not typically tested for perchlorate at the Artesian Wells Park, Reynolds said. It didn't seem necessary since there are no military operations nearby, no gunpowder, fireworks, highway flares, air bags, leatherworks, rubber, paint manufacturing, enamel production or other common sources of perchlorate.

"It's really weird it would show up in a downtown area," she said.

The city is considering what kind of notices to post at the well to alert people about the contamination.

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The Salt Lake Tribune

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Drought plan: Hope for managing the Colorado River

Tribune Editorial

Salt Lake Tribune

Article Last Updated:06/26/2007 07:54:12 PM MDT

You've probably seen pictures of the bathtub rings in Lake Powell that resulted when a seven-year drought caused water levels to plunge. Utah finally got a reprieve from dry winters in 2006, but in 2007 the Southwest is back in the dry cycle.

So we are happy to read that the U.S. Bureau of Reclamation, which runs Lake Powell and Lake Mead on the Colorado River, is hard at work on a plan to better manage that water in time of shortage.

We are doubly pleased to read that the seven states in the Colorado River basin, including Utah, and environmental groups seem to be near accord on the preferred alternative that will probably become the final plan.

The seven states (California, Arizona, Nevada, New Mexico, Utah, Colorado and Wyoming) submitted one plan to the bureau. The environmental groups submitted another. The bureau developed two more. It looks as though the final plan will take elements from both the basin states' and environmental groups' plans.

This is something of a miracle, considering what's at stake.

The Colorado drains about one-twelfth of the continental United States in one of the nation's most arid regions. Much of the water in the basin is exported to quench the thirst of Los Angeles, San Diego, Las Vegas, Phoenix, Albuquerque, Denver and Salt Lake City. The river is life for 30 million people.

So what happens in Lake Mead and Lake Powell is critical to the growing urban West, its people and its agriculture.

The plan the bureau is working to develop would define guidelines for managing the river's storage system during a drought. The guidelines would determine when a shortage exists in the Lower Basin (California, Nevada and Arizona) and how to coordinate operations for Lake Powell and Lake Mead. They also would allow Lower Basin states to know when, and by how much, their water deliveries would be reduced.

Lake Mead stores water in the Lower Basin. Lake Powell stores water in the Upper Basin. Powell feeds Mead. The Lower Basin has rights to 7.5 million acre-feet of water a year, roughly half of the supply in a normal year. But in a drought, how much do you draw down each lake? Different answers have various implications for different users, for the environment and for hydropower generation.

We hope the promised accord comes to fruition.

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Take the pledge: Bottled water is an environmental disaster

Tribune Editorial

Salt Lake Tribune

Article Last Updated:06/26/2007 07:54:11 PM MDT

OK, admit it. Once upon a time you chuckled at trendy twentysomethings who sipped chi-chi bottled water as they bounced, spandex-clad, to their spa workouts. But now you're doing it too.

Guzzling bottled water, that is.

Oh, it may not be Evian or even Perrier. It may be Arrowhead or the budget Kirkland brand from Costco.

But you're hooked.

Which, from one perspective, is good. Doctors say most of us don't drink enough. Bottled water is convenient, whether you're on the go or just sitting around the house.

But, dear readers, it's an environmental disaster.

Who would have thought it?

Making all those plastic bottles consumes millions of barrels of oil a year. Transporting all that water, sometimes halfway around the world, consumes even more oil.

Tapping natural springs for the water itself can harm aquifers and rivers.

And most of those plastic bottles find their way to a landfill, where they will rest in near-perpetuity. Many of those that are recycled end up in China, where environmental regulations are lax, causing more air and water pollution as the materials are reprocessed.

All of this might be understandable if bottled water were superior to what comes out of the tap. But in Utah, as in most of the United States, that's not true.

Sure, it may taste a bit different, contain fewer or different minerals or be carbonated. But the EPA standards for tap water are actually stricter than the FDA standards for bottled water.

Bottled water grew up in places elsewhere in the world where tap water was not healthy. But that's not the case here.

And by far the best way to deliver healthy water to people at the lowest cost is to invest in systems for public drinking water, not in overpriced bottled water, which often costs more per gallon at retail than gasoline.

Bottled water makes huge bucks for Nestle, Coke and Pepsi, which together own most of the leading brands, but from the perspective of the common good, it makes no sense.

Which is why we salute Salt Lake City Mayor Rocky Anderson and his colleagues at the U.S. Conference of Mayors who passed a resolution to study the issue. There's really nothing to study, but it's a start at public education that may convince Americans to do the right thing.

Which is to swear off the bottle.

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Tuesday, June 26, 2007

Mapleton to build 8-acre reservoir

[Print](#)

JEREMY DUDA - Daily Herald

A new reservoir Mapleton city plans to build should help residents save a little money on their monthly bills.

The proposed eight-acre reservoir will be used to provide water for the city's pressurized irrigation system. All new homes built in Mapleton include pipes for secondary water, but for years those pipes have run dry.

Because there is no access to secondary water for pressurized irrigation, most of Mapleton's 2,100 homes use culinary water for their lawns, according to city manager Bob Bradshaw.

For even the smallest lots, which in Mapleton are a third of an acre, the monthly bill during the summer can run about \$100 a month.

By contrast, about 300 homes in the northwest part of town have pressurized irrigation from a well that was previously contaminated by the Ensign Bickford plant, Bradshaw said. Ensign Bickford built a carbon filtering system for the contaminated water nearly a decade ago, and since then those residents pay \$17 a month for irrigation.

"This will provide a much more cost-effective way of providing secondary water for use on watering yards," said Bradshaw, who said that he, like most Mapleton residents, is forced to use culinary water on his lawn.

The reservoir will also help the city in its water conservation efforts, Bradshaw said. Water conservation issues aren't huge, Bradshaw said, "but it's significant."

"It's part of the city's responsibility to make prudent policies that will serve to conserve a very limited and valued resource of pure drinking water," he said.

The reservoir will be located between Maple Road and 400 South, near 1500 East, at an old pond that fell out of use years ago. City engineer Bob Gunnell said officials are anticipating that it will hold about 100 acre-feet of water.

There are no cost estimates yet, Gunnell said, though Bradshaw said it may cost between \$2.5 million and \$3 million.

"I know it won't be less than that," Bradshaw said.

The city is looking at several options for paying for the project, including bonding or selling city assets, Bradshaw said. Mayor Jim Brady said the city plans to use existing water rights to supply water to the reservoir.

Neighboring Springville and Spanish Fork have already expressed an interest in using the reservoir for their surplus secondary water.

Brady said the city also has some preliminary ideas about putting in a park near the reservoir, though there are no concrete plans. Those decisions would be made after November's city elections, though Brady said he is recommending to his successors that a park be included.

"That won't happen while I'm the mayor. My term will end this fall, and it will be up to a new mayor and a new (City) Council to decide what they want to do with it," he said.

"I'm recommending that they have a park to compliment the irrigation reservoir, but it will be up to somebody else to make that decision."

Jeremy Duda can be reached at 344-2561 or jduda@heraldextra.com.

This story appeared in The Daily Herald on page D1.

Article views: 199

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The Salt Lake Tribune

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Mapleton wants to build a new reservoir

The Associated Press

Salt Lake Tribune

Article Last Updated:06/26/2007 06:56:46 AM MDT

MAPLETON - The city of Mapleton hopes to build a new reservoir so residents there can save a little money on their monthly bills.

The city wants to build an eight-acre reservoir to provide water for the city's pressurized irrigation system.

City officials say the reservoir will also help the city in its water conservation efforts.

The reservoir will be located at an old pond between Maple Road and 400 South, near 1500 East. City officials say it will hold about 100 acre-feet of water.

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The Salt Lake Tribune

<http://www.sltrib.com>

A plan for thirsty times

Proposal heeds interests of all depending on Colorado River

By Judy Fahys

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated:06/23/2007 08:59:33 AM MDT

Colorado River water has always been recognized as the lifeblood of the Southwest. Now, it has its own blood bank.

After years of study and discussion, the U.S. Bureau of Reclamation this week announced a proposal for managing the river and its two largest reservoirs - Lake Powell and Lake Mead - during droughts.

The plan, which still faces several months of final review, is extraordinary for several reasons.

Not only is it unusual that the agency is approaching management of Colorado River water based on the notion that there might be less water to divide, but also because environmental groups - as opposed to just water district officials - played a significant role in shaping the proposal from the start.

"The drought has caused everyone to stretch and do some things that were not heretofore possible," said Don Ostler, the Salt Lake City-based director of the Upper Colorado Commission, which represents Utah, Wyoming, Colorado and New Mexico in river management issues.

He pointed out that the idea for a drought-oriented focus on the Colorado began in 2000, when water shortages were severe. Although there is growing agreement that the Colorado River experiences longer and more severe droughts than previously thought, earlier management plans emphasized mainly the availability of water.

The Bureau of Reclamation decided the best way to work through the issues was through an environmental impact statement process, which included public meetings and a thorough review of five different drought-management proposals. The preferred plan can be viewed at www.usbr.gov/lc/region/programs/strategies/documents.html.

One was suggested by the seven Colorado River Basin states, which rely on the Colorado to provide water to more than 30 million people in the nation's driest corner.

Their proposal was to begin rationing water in the three lower basin states - California, Arizona and Nevada - when Lake Mead's water dropped to certain levels. The lower the level, the more cutbacks.

The idea, which includes juggling the levels of Lake Powell as well, is to conserve the available water. And the lower basin states would get "credits" that could be used in high-water times.

"It has a conservation provision for the lower basin states," said Ostler, pointing to a key element of the plan.

In addition, water years when supplies were better than expected would be banked. That "surplus" water would amount to between 2.1 million and 4.2 million acre feet. An acre foot is the amount of water a household of four consumes in a year.

The seven-state proposal called for 2.1 million acre feet, but environmental groups, in the proposal they prepared for the environmental review, suggested the higher amount.

While some details remain to be worked out for the final version of the plan in the fall, both the water managers and environmental groups are pleased with how things look so far.

Jennifer Pitt, a senior resource analyst for the advocacy group Environmental Defense, said the banked water will provide more flexibility and make it possible for Mexican water users to manage some of their water share for environmental purposes in the delta.

The drought plan also is an advance for environmentalists who have long argued for a more conservative approach to managing the Colorado. In the end, Pitt said, the environmentalists were pleased to have a positive effect on the plan.

"We have worked long and hard to prove we can play this kind of role," she said.

Robert V. King, chief of the Utah Division of Water Resources' interstate streams section, said the states worked for three years to develop the proposal the Bureau of Reclamation has selected. It sets out a method of managing the water that is likely to work in most drought situations and helps the systems work more

efficiently.

"No one state got their way," he said. "It was a compromise."

fahys@sltrib.com

The Colorado River proposal requires:

- * **Coordination** of Lake Powell and Lake Mead water levels.
- * **Water cuts** to lower Colorado River Basin states when Lake Mead is low.
- * **Additional water conservation** programs in lower basin states.
- * **Provisions** addressing potential needs of Mexico's water users.

Source: U.S. Bureau of reclamation *The Salt Lake Tribune*

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<http://www.sltrib.com>

Mount Holly Club decision in judge's hands

By Mark Havnes

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated:06/23/2007 01:27:08 AM MDT

BEAVER - Fifth District Judge John J. Walton will ponder the legality of a development agreement for a posh private mountain club proposed for the Tushar Mountains.

A trial over the disputed agreement between Beaver County and developers of the Mount Holly Club, proposed for more than 1,800 acres that includes the Elk Meadows ski area, ended Friday. Walton has not indicated when he would make his ruling.

In addition, Walton has to decide if Beaver County residents can vote on the agreement.

Alan Bradshaw, who filed suit against the county on behalf of some Elk Meadows homeowners, said in closing arguments that the impact of the agreement, adopted as an ordinance, will have a profound effect on the county and should be voted on. The proposed project includes 1,204 expensive houses and town houses.

A group of county residents who joined the lawsuit have turned in more than 800 signatures to get the matter on the ballot. They only needed 501 signatures of registered voters.

"What the county did was a legislative act, so is subject to referendum," said Bradshaw, who owns property in Elk Meadows.

He also said county procedures for letting people know about public hearings on the agreement last spring were flawed.

He said drafts of the agreement were available only two days before the hearings and there is no proof the public notices of the meetings were ever posted in the county towns of Minersville and Milford.

Dan McDonald, representing the developers, said in closing that the agreement respects all county development laws, and because the zoning for the proposed club site was not changed, it does not qualify for a referendum vote.

"The development agreement is replete with language concerning the applicability of all land-use ordinance," McDonald said. "We're not seeking special treatment."

He said the agreement did not meet broad, sweeping changes affecting the fabric of the community that is required for a vote.

"[The referendum] is for things like school vouchers or same-sex marriage," McDonald said.

County Commissioner Chad Johnson, who voted earlier to adopt the agreement, said a vote is a bad idea.

"You can't govern by referendum," he testified.

Also Friday, Norman Dahle, executive vice president for CPB Development, Mount Holly's developer, said the \$3.5 billion gated community would be smaller and less dense than a previous development planned for the Elk Meadows ski area.

Dahle noted Friday that Mount Holly Club's 1,200 housing units is a significantly smaller number than the 3,500 units once planned for the area east of Beaver. That project, pitched in 2000, never got past the conceptual stage.

Dahle testified that CPB also plans to build a sewer system for the mountain and vowed to comply with the strictest water-quality rules.

Many residents have expressed concerns that the club would drain resources, including water. They also worry that they could lose access to area trails and popular Puffer Lake.

mhavnes@sltrib.com

About Mount Holly Club

* Size: 1,200 houses and townhouses along with a 250,000-square-foot clubhouse to be built on 2,000 acres in two phases.

* **Amenities:** Private ski resort and an 18-hole private golf course.

* **Cost:** About \$3.5 billion.

* **Baseline price for house and lot:** About \$4 million.

* **Completion:** Expected to take 10 years.

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Environmentalists say Nevada water grab plan would threaten tiny chub fish

By Patty Henetz

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated:06/22/2007 06:18:41 AM MDT

Environmental and tribal groups have filed a petition to list the minnow-like least chub as an endangered or threatened species, adding more pressure to the already intense Utah-Nevada fight over the effects of groundwater pumping in the Snake Valley.

In the petition filed Tuesday, the Center for Biological Diversity, Confederated Tribes of the Goshute Reservation, the Great Basin chapter of Trout Unlimited and the Utah chapter of the Sierra Club said the species' survival is threatened by the Southern Nevada Water Authority's plan to pump up to 200,000 acre feet of water each year from the arid valleys of eastern Nevada and western Utah to feed population growth in Las Vegas.

SNAKE Valley is northeast of Great Basin National Park on the Utah-Nevada line. The three least chub populations in the valley - half the populations remaining statewide - are doing fine now, Center for Biological Diversity biologist Allison Jones said Thursday. "But if we lose Snake Valley, the fish is in big trouble," she said.

Jones, who wrote the report that underlies the petition, relied on data gathered by the Utah Division of Wildlife Resources to reach her conclusions. The federal Fish and Wildlife Service has a year to review the petition with the option of declaring the fish endangered or threatened.

Granting threatened or endangered status wouldn't by itself stop Nevada's plans, said Trout Unlimited spokesman Don Duff, a retired federal biologist. But Fish and Wildlife may have to provide a preservation plan, he said.

Earlier this month, the U.S. Geological Survey released a draft analysis showing aquifers beneath the west desert and eastern Nevada are more connected than previously believed, indicating that the water pipeline could impair farming and wildlife in Utah.

The USGS report also indicated there may be more groundwater in various aquifers than previously assumed, further complicating the claims and counterclaims surrounding the proposal.

The Nevada state engineer earlier this year authorized the Water Authority to pump 40,000 acre-feet annually from neighboring Spring Valley - whose aquifers are connected to Snake Valley's - and an additional 20,000 acre feet if officials decide the pumping hasn't unduly harmed the environment. Large-scale pumping would not occur for at least 10 years.

An acre-foot is typically the amount of water a family of four consumes in a year.

The Water Authority has yet to formally apply to pump groundwater out of Snake Valley. But ranchers there are convinced that even a drawdown in Spring Valley would ultimately destroy their land. Scientists and environmentalists say pumping the desert groundwater could affect around 20 plant and animal species already protected under the Endangered Species Act. Water Authority officials say they are aware of the environmental concerns and have pledged to develop the water resource responsibly.

In 1997, Utah and the federal government agreed to try to keep the least chub off the endangered or threatened species list. State biologists have unsuccessfully tried to transplant the least chub to other spring-fed habitats, Jones said.

Loss of the little fish statewide has come with population growth, irrigation, grazing and predation by the non-native mosquito fish, so if the least chub eventually die out, Nevada wouldn't be entirely to blame, she said. But if the Las Vegas pipeline is built, Snake Valley would lose the fish - and part of the state's heritage.

"What's good for the least chub is good for the farmer and rancher," Jones said.

Meet the least chub

* The least chub, *Notichthys phlegenthonis*, is a small minnow native to the Bonneville Basin.

* Although the species formerly occurred in many areas of the basin, it now occurs only in scattered springs and streams in western Utah.

* Much of the least chub's decline can be attributed to the introductions of non-native fishes.

Source: Utah Division of Wildlife Resources

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Quagga mussels in on Utah lakes

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated:06/20/2007 01:46:23 AM MDT

The Department of Natural Resources needs \$1.65 million for emergency efforts to contain the spread of Quagga mussels in Utah's reservoirs and lakes, lawmakers were told Tuesday.

Mike Styler, director of the Utah Department of Natural Resources, said the money would cover three full-time employees and 39 seasonal inspectors to examine boats before they are launched and after they are pulled from lakes to make sure the non-native mussels are not hitching a ride.

Legislative budget leaders told Styler to present complete information on the DNR's needs and they will work out a way to supplement the department's budget.

Quagga mussels were found at nearby Lake Mead in Nevada last January and boaters from Lake Mead often launch at Utah's Lake Powell, Bear Lake, Willard Bay and the Pineview and Jordanelle reservoirs. The DWR must move swiftly because Utah's boating season is in full swing, Styler said.

Because quagga colonies can ruin fishing, clog drinking-water and power-plant pipes, their spread could cost government and industry millions of dollars. The quagga mussels are impossible to eradicate once established in a lake, Styler said.

- Glen Warchol

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Deseret Morning News, Tuesday, June 19, 2007

Davis targets protection of water in wells

A model ordinance would restrict land uses near wellheads

By Joseph M. Dougherty

Deseret Morning News

FARMINGTON — Few cities in Davis County have ordinances to help protect drinking water from contamination, by prohibiting certain land uses.

To help remedy that problem, the Davis County Health Department plans to help cities protect drinking-water wells. Only three cities in Davis County now have ordinances that help city councils and planners decide where to allow certain types of activities. Fruit Heights enacted an ordinance earlier this year, and Bountiful and Layton also have protective ordinances in place.

The health department's goal is to create a model ordinance that the remaining 12 cities in the county can adopt. The ordinance would prevent certain land uses from happening too close to wellheads.

The ordinances generally create four zones, based on the time it takes for water to travel from the zone to a given wellhead, said Mark Jensen, a scientist with the Utah Division of Drinking Water. Cities should keep all development out of zone 1, which is about a 100-foot radius from the well.

Zone 2 reflects a 250-day travel time for water and can help cities with the placement of animal feed lots and septic tanks. Zone 3 helps regulate the placement of certain chemicals, which if spilled could affect the drinking water in three years.

Zone 4 helps regulate chemicals that would take 15 years to travel from the area to the well, Jensen said.

Lewis Garrett, director of the county health department, said it's difficult to protect wells, because even if a city has strong zoning ordinances to protect its wells from contaminants within the city, the well's recharge zone may lie outside the city's boundary, leaving the city powerless to enforce development that could affect its drinking-water supply.

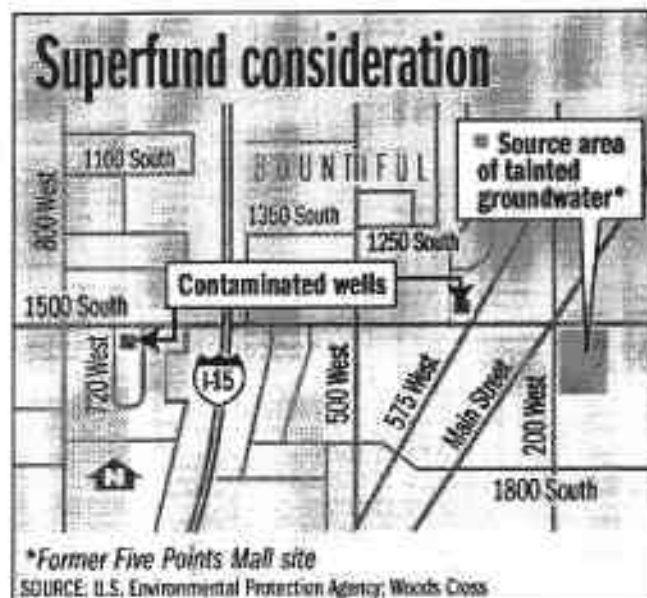
"The Legislature has looked at it a couple of times but has failed to come up with a way to protect wellheads," he said.

The issue becomes thornier in Davis County, because conservancy districts own many of the 68 drinking water wells in the county and have no authority to create ordinances because they're not cities, Garrett said.

Dee Jette, an environmental health scientist with the county health department, said the contamination threat to wells is real.

One drinking-water well in Woods Cross was shut down in 1999 after tetrachloroethylene, also known as perchloroethylene, or PCE, was found in concentrations that the U.S. Environmental Protection Agency considers unsafe. The area is now under consideration for designation as a Superfund site.

The EPA received five comments between March and May, all of which supported the listing of the contaminated area, known as the Five Points PCE Plume, on the National Priorities List, said Peggy Linn, EPA Region 8 spokeswoman.



Deseret Morning News graphic

When the National Priorities Board meets in September, it will decide whether to include the Five Points plume on the National Priorities List, declaring it a Superfund site, Linn said.

Another well in Woods Cross is also contaminated with PCE, but the EPA considers those PCE levels within the range it considers safe.

Jette said well contamination isn't limited to Davis County. One well in Sugar House was contaminated with tetrachloroethylene in 1990, and one in Mapleton, located near an explosives factory, was found to be contaminated with nitrate and shut down in 1989.

The loss of a well for a city can mean spending \$100,000 to \$500,000 to develop a new source of drinking water, Jette said. In comparison, a source-protection plan might cost \$1,500 to \$5,000.

► Davis drinking-water wells

- Number of wells: 68
- Cities with protective ordinances: Bountiful, Fruit Heights, Layton
- Cost to replace a failed well: \$100,000 to \$500,000
- Cost to protect a well: \$1,500 to \$5,000

Source: Davis County Health Department

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The Salt Lake Tribune

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Mystery stench: Ash Creek officials blame low water levels in sewer pond

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated: 06/19/2007 07:11:08 AM MDT

HURRICANE - The mystery stench fouling the air around southwestern Utah's Sand Hollow Reservoir has been identified.

Officials say low water levels in a sewer pond operated by the Ash Creek Special Service District are to blame.

The Spectrum newspaper reports that the sewer district - which serves the communities of Hurricane, LaVerkin and Toquerville - operates seven sewer treatment ponds near the reservoir.

District clerk Darrel Humphries said that pumping treated water into the offending pond will take care of the problem.

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Deseret Morning News, Saturday, June 16, 2007

Genola is forced to ration water**By Elizabeth Stuart**

Deseret Morning News

GENOLA — Genola residents are diligently taking shorter showers, flushing the toilet less frequently and letting their lawns brown to save water — and it's not because they are worried about drought.

The city has only one water well, and on May 21 the pump unexpectedly stopped working. Genola's entire population was left without culinary water.

Genola is borrowing water from neighboring Santaquin just to keep the toilets flushing and the faucets running. The city pipes in about 200 gallons of water per minute.

"It's enough water to keep us at least sustaining life here," said Phil Harold, who is in charge of Genola's public works. "We can't fill our swimming pools and run all of our sprinklers — it's just enough water to make sure people have water to drink."

The pump, which has been out of service for nearly a month, won't be up and running for at least another two weeks, Harold said. The old well was due for a deep cleaning — build-up was interfering with pump efficiency — and the structure around the well was crumbling.

Most Genola residents are taking the dead grass and short showers in stride, but some worry that the water problems won't stop when the pump is fixed.

Kathy Chapwin, 44, said the city has struggled with water problems for years.

"For a while it will be OK," she said, "then all of a sudden it will start slowing down and the water pressure drops in half."

The city is currently considering doubling its size by annexing a new subdivision by Utah Lake. While the city plans to require the subdivision's developer, Mountain Shores Development, to build another water well and two water tanks, some residents aren't convinced this will be enough to compensate for the strain put on Genola's water system by so much growth.

"If the city can't maintain the water for the people who are already here, how are they going to maintain it for all these new people?" Chapwin asked.

This isn't the first time Genola has had to rely on its neighbor to keep its residents in water. When the well pump broke down eight years ago, the city called Santaquin for a favor.

"It's a wonderful back-up plan," Harold said. And at this point in time, the city has no intention of developing an alternative emergency water plan.

Harold said the city's current well could easily serve the new subdivision as well as the existing homes — that is, of course, assuming it is working. The well currently provides water for about 300 houses, but Harold said it could easily serve 3,300.

"It's a beautiful well," he said. "Forty to 50 years doing business has slowed it up a bit, but we're getting it cleaned out."

In the meantime, the city has asked residents to voluntarily conserve water, and so far, the trickling water supply has held out. Genola residents are getting used to brushing their teeth with the water turned off and waiting longer between laundry loads.

Tiffany Krebs, 36, said it isn't too much trouble to use less water. Her biggest complaint is having to keep her children, who are hot and rambunctious in the summer weather from filling up the pool in the back yard.

"It's not a big deal," she said. "We just don't let the water run."

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Washington County doesn't trail other places in conserving water

The Salt Lake Tribune asserted in a May 31 editorial ("Slow the flow: Water efficiency before Lake Powell Pipeline") that St. George and neighboring communities need to get up to speed with other communities in the arid West on water conservation. We want everyone to know that water use is becoming ever more efficient in Washington County. Furthermore, we compare favorably in water conservation with the communities mentioned in the editorial (Albuquerque, Tucson and Las Vegas).

Conservation is a primary goal of the Washington County Water Conservancy District. The WCWCD and the City of St. George each have full-time water conservation officers. We have almost met our original goal of saving 25 percent of the water we use and are setting new goals of another 25 percent.



Ronald W. Thompson

We already have many of the conservation programs found in other arid areas, such as water controller rebates, toilet rebates (St. George City), school education programs, a water-wise demonstration garden, landscape workshops, landscaper training, watering restrictions and are adding more.

Anyone looking around this area can see that water-wise landscapes are becoming more prevalent. Water used for golf courses in Washington County is not potable and could not be treated for culinary use with today's technology because the

Virgin River is polluted by salts. Using this water for outdoor watering conserves treated water for residential use.

A proposal from Citizens for Dixie's Future (which opposes construction of a Lake Powell pipeline) would remove all water from the Virgin River, decimating populations of endangered and native species.

The two largest cities in Washington County, St. George and Hurricane, use less water than Las Vegas in gallons per capita per day. Residential use exceeds Tucson and Albuquerque by only 10-15 gpcpd.

The total per capita usage differences between these cities may be accounted for, in part, by differences in rainfall or elevation. Tucson gets 12 inches of precipitation a year, compared to 8 for Washington County. Tucson's wettest month is

July, when water is needed for landscapes, while Washington County's wettest month is February. Albuquerque is over 3,000 feet higher than St. George and has lower evapotranspiration losses, reducing the need for outside water.

There are also large differences in population size and density, as well as commercial and other demands that cause variances not accounted for in a simple per-capita calculation.

We agree with *The Tribune* that water conservation is important and must be enhanced. We do not agree that St. George and other communities in Washington County are the water wasters that critics assert.

> RONALD W. THOMPSON is general manager of the Washington County Water Conservancy District.

The two largest cities in Washington County, St. George and Hurricane, use less water than Las Vegas in gallons per capita per day. . . . We do not agree that St. George and other communities in Washington County are the water wasters that critics assert.

Whiterocks Canyon tar sands testing likely

By Mary Bernard, Basin News Service

Community members and state and local officials met Wednesday to hear an industry representative present plans for tar sands testing at the mouth of Whiterocks Canyon. At issue is a proposal by Black Sands Holding Company to develop a five acre test site to evaluate subsurface tar sands deposits.

"I recognize that this whole issue has come as a great shock to everyone," said Alan Propp of Black Sands, noting that "from an oil industry perspective, this 840 acres of private land may have 10 to 20 million barrels of oil, which may be just the tip of the iceberg."

Black Sands proposes a five-acre exploratory test of the Whiterocks deposit, the first step of which was noticed in a letter sent the canyon residents last April. Propp said tests will determine the extractable character and economic viability of the deposits. If tests confirm the presence of "huge deposits of hydrocarbon-rich tar sands," industry estimates assess their value anywhere from \$500 million to \$1 billion.

The Whiterocks test site is Black Sands largest local privately-owned location with suitable deposits, but the company has similar interests in Asphalt Ridge, P.R. Springs and Sunnyside. Black Sands acquired rights to the canyon's deposits from Whiterocks Energy, which represents the pooled interests of subsurface mineral lease holders in the area.

Propp said the proposed testing will require core drilling to a depth of 1,000 feet or more to extract samples of tar sands.

"Extraction involves in a proprietary process that uses solvents and no water, that leaves behind clean sand with no extraction fluids or hydrocarbon residues and recycles virtually all the solvent used in the process," explained Propp.

Test sites in five or fewer acres are considered small mining operations by the Utah Division of Oil, Gas and Mining and are less regulated than larger sites.

"Exploratory testing permits for a five-acre in situ leaching test site do not require public comment, but they do require statutory bonding for reclamation after testing," said Susan White, mining program coordinator for DOGM.

'In situ' refers to any process where materials and artifacts are left in their original location while operations are performed.

In these small exploratory operations, DOGM does not require rigorous environmental assessment before permits are issued.

"Was the selection of five-acre testing lot intended to circumvent the environmental process?" asked resident Nancy Bostick-Ebbert.

Propp answered by saying that the five-acre site was not meant to evade the process, but rather to follow permitting procedures. First, informational letters were sent, followed by meetings with interested parties and applications for exploratory testing with all relevant agencies.

"Compliance procedures are incremental. We follow inspection and enforcement evaluations throughout the life of the permit," explained White.

"By contrast, a proposal for large-scale mining permit requires a detailed plan, a 30-day comment period, with extensive plans for reclamation and environmental protection," she continued.

Propp added: "If and when we propose a large-scale mine in the canyon, we are required to produce a detailed environmental impact statement."

That type of EIS requires socioeconomic input from the community.

"Mining plans must detail their equipment lists, extraction procedures, the nature of residual materials and how these materials will be used in reclaiming the ground surface," said DOGM biologist Paul Baker. "Primary operational processes have to be reviewed before approval."

In terms of the Whiterocks Canyon area, the community's environmental concerns relate largely to water quality and protection

of the underground aquifer.

"Protection of groundwater and surface water is critical to those of downstream," said Jerry Goodrich, manager of the Tridell-Lapoint Water Improvement District. "Our culinary water comes from the Whiterocks. For us contamination is a real issue."

Residents fear that the local aquifer may be polluted by the in situ leaching process that employs the solvents hexane and bentane. A materials safety data sheet (MSDS) for hexane lists it as moderately biodegradable, but unlikely to leach into groundwater when released into the soil as it evaporates quickly.

"When released into the water, this material is expected to have a half-life between one and 10 days," the MSDS states.

"These specific liquids are used in food processing," said Propp, illustrating the benign nature of the compounds.

"In synthetic leaching mining procedures that use potential pollutants, a complete classification of the local aquifer is required," said Jodi Gardberg, total maximum daily load (TMDL) coordinator for surface waters for that Utah Department of Water Quality.

She added that permit provisions require that any discharge from mining operations remain clean. The Uintah Basin's TMDL evaluation is only now underway noted Rebecca Pirie, from the U.S. Department of Agriculture's Roosevelt office. She explained in the course of the evaluation, every water well and stream in the region will be tested.

Along with concern over leakage into the aquifer there remains the question of transporting extracted oils or sands. For now, Propp said the company plans to truck materials overland unless production surpasses 10,000 barrels per day.

"Then it would be more economically feasible to build a pipeline," he said. "Black Sands mining technology proposes a process as environmentally benign as possible."

The Basin's oil-heavy tar sands deposits are typically thickened by paraffin, requiring special refineries to separate the wax from the hydrocarbon base. Currently, the cost of this type of refining makes processing financially prohibitive, which makes it impractical to mine tar sand under the circumstances.

"There are about 20,000 barrels a day of Uintah Basin heavy-oil awaiting refinement," said Uintah County Commissioner Mike McKee. "With all this oil sitting, it is a legitimate question to ask whether there is economic viability to this mining effort."

Propp indicated that the profitability of the endeavor rested with Black Sands, Nevtab – its joint venture partner – and their investors. In the end, he said, "You will be better off dealing with an environmentally sensitive company like [Black Sands]," pointing out that eventually somebody else is going to attempt to exploit the Whiterocks tar sands.

Guest



River spat is headed to courtroom

Court filing names State Engineer Jerry Olds as defendant in legal wrangling

Patrick Parkinson, Of the Record staff
The Park Record

The private Summit Water Distribution Co. has asked a 3rd District Court judge to throw out a decision against the company from Utah's water rights chief that officials at the rival Mountain Regional Water Special Service District called a major victory.

A legal bombshell filed against Summit County-owned Mountain Regional Water on Monday begins the newest skirmish in legal wrangling that began when county officials dug trenches in the Weber River to divert more water into their wells.

"These diversion channels were constructed without state engineer approval and without approval of a required stream alteration permit," a 13-page complaint filed against the county by Summit Water attorney John Flitton states. "Too many times in the past both the Weber River commissioner and state engineer have over-looked water rights violations by Mountain Regional Water."

The new court filing accuses Utah State Engineer Jerry Olds, who oversees the state's system of water rights, of failing to protect a stream near Peoa by allowing Summit County officials to legally access surface and groundwater from the Weber River in May.

But Mountain Regional Water chief Andy Armstrong insists the new complaint is "business as usual" for the litigious Summit Water Distribution Company.

"We're not surprised," Armstrong said about the appeal. "We expected this much."

Until last month, however, county officials had stolen water because they didn't have a permit to take surface water from the stream, critics counter.

Olds shirked his statutory duties by allowing Mountain Regional Water and Weber Basin Water Conservancy District, which both benefit economically from the arrangement, to determine whether enough water exists for surface and groundwater to be taken from the river, the lawsuit contends.

"This condition is contrary to the state engineer's responsibility because it places the decision-making authority on the water right holder instead of the state engineer where such authority properly belongs," the appeal filed against Mountain Regional Water Special Service District states.

But because Weber Basin has failed to provide accurate accounting of its water rights near Rockport, the reservoir is "over-appropriated in its contracts already issued on the appropriated water rights," Flitton claims.

Releasing water from other sources to fill the deficit means water rights controlled by Summit Water Distribution Co. are interfered with, Flitton claims.

According to the lawyer, "there are significant concerns regarding the availability of water supply in Smith and Morehouse reservoirs which provides headwaters for the Weber River in the Uinta Mountains."

Other defendants named in the June 11 case include: Olds, Weber Basin Water Conservancy District, Weber River Water Users Association and Davis and Weber Counties Canal Company.

To build the Lost Creek Canyon Pipeline from Peoa to Promontory, Summit County obtained water rights to pump groundwater the Weber River into shallow wells near Rockport reservoir to deliver to the Snyderville Basin.

At issue is whether the state permit allowed county officials to begin taking surface water directly from the river in 2005.

Flitton characterized the county's new permit issued by Olds May 11 as "an after-the-fact blessing for diversion channels that w illegally cut into the Weber River adjacent to the Lost Creek Canyon [well field]."

The county's former arrangement "restricted water diversions to underground water supplies and does not provide the right to water directly to the Weber River," the June 11 complaint states.

Flitton, who represents the county's largest competitor in the Basin water market, wasn't immediately available to comment ab the case.

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Mount Holly restraining order axed

By Mark Havnes

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated:06/14/2007 01:16:08 AM MDT

BEAVER - Lawyers representing the developers of a proposed private club high in the Tushar Mountains east of here were a happy bunch when court recessed for the day on Wednesday.

Lawyers for Beaver County also were pleased when 5th District Judge John J. Walton dissolved a temporary restraining order filed against the county by a group of property owners in Elk Meadows Resort.

The restraining order had put a hold on the exclusive Mount Holly Club, which is proposed for private land within Elk Meadows, until a trial can determine if the process used in creating the development agreement followed county and state law. The trial also would decide if a petition for a vote on the development agreement would stand.

The Elk Meadows property owners claim the public process that resulted in a development agreement between the county and Mount Holly developers was flawed. The county commission approved the agreement in May.

A group of Beaver residents also joined the lawsuit and filed a petition with the county attorney that calls for a referendum on the development's planning agreement.

On May 25, 5th District Judge G. Michael Westfall granted the temporary restraining order and set a trial date for July 12.

Westfall recused himself from the case this week, and it was given to Walton.

After dissolving the restraining order during Wednesday's motion hearing, Walton set a new trial date of June 21-22 in Beaver to hear arguments on the validity of the residents' referendum petition and if the planning process was accomplished by the county in compliance to state and county laws.

Also on Wednesday, Walton granted a request by CPB Development LC of Salt Lake City and Mount Holly Partners LLC to join the lawsuit as a defendant with the county.

Lawyers for the developers argued that as property owners in Elk Meadows the developers have a right to defend their interests.

The developers' lawyers were pleased with Walton's decision to include them in the suit and to dissolve the temporary restraining order.

"We're happy its gone," said lawyer Jay Peck, of Walton's ruling. "We'll see what happens now."

Since proposed more than nine months ago, the Mount Holly Club has been met with suspicion and fears the development will pollute pristine water sources and deny access to areas in the mountains that have been used for recreation by generations of Beaver families.

Others support the project as the economic panacea the county needs to help schools and build a strong tax base.

Bill Quick, a spokesman for the developers, said after court Wednesday there have been a lot of rumors going around the county by opponents of the proposed club, especially about water.

"They're scaring a lot of people by spreading false information, even if unknowingly," said Quick. "We're not here to steal their water. It's not true."

Many who hold water rights on the Beaver River are still afraid the proposed club could leave downstream users high and dry in summer. Promises of compensating water users for lost water doesn't satisfy Carol McCully, who owns water shares from the Beaver River.

"I don't want compensation," she said Wednesday. "I want my water."

mhavnes@sltrib.com

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Article published Jun 14, 2007

Judge: Development can proceed

By RYAN DIONNE

rdionne@thespectrum.com

BEAVER - Judge John Walton lifted a temporary restraining order Wednesday, allowing Beaver County's Mt. Holly Club development to proceed - for now.

The billion-dollar project involves building homes and condominiums along with an 18-hole championship golf course in a gated community where the abandoned Elk Meadows Ski Resort is located.

But with water availability, trail access, and tax dollars leading the list of concerns for many people, the project seems to have Beaver County residents polarized.

And current property owners, who would essentially be bought out if the project proceeds, are especially against the proposal, which is said to be on the same caliber as Montana's Yellowstone Club.

Even with wealthy clients as the target audience for the Mt. Holly Club, Elk Meadows property owner Erik Miller doesn't think people will choose Beaver over a more appealing club like the one in Montana.

"People that have that type of money aren't gonna choose the second best or third best," Miller said.

Miller and other Beaver County residents are hoping the issue will be put to a vote - so they can squash the plans of CPB Development, LC.

"The whole thing is a joke," said lifelong Beaver resident Irene Forrest.

The fate of the project will be partially decided next week when the Beaver County Attorney's Office along with the attorneys representing both the land owners and the developers meet with Walton to discuss one important issue: Whether or not Beaver residents can vote to allow the development.

After all three sides met privately with Walton for nearly two hours Wednesday, they decided to return June 21-22 for a trial.

The two biggest decisions that will come during that two-day period, are whether or not the development can be put on a referendum, and, if so, whether or not the development can proceed until the votes are tallied.

deseretnews.com

Deseret Morning News, Tuesday, June 12, 2007

A threat to water table

Geologist says Nevada project could harm western Utah level

By Joe Bauman
Deseret Morning News

"Substantial impact" would occur in western Utah if a Nevada groundwater proposal goes ahead, says Hugh Hurlow, a geologist with the Utah Geological Survey. In some places the water table could drop enough to damage ranching and the environment.

Hurlow, an expert in geologic framework studies of hydrologic basins, spoke Monday at a luncheon of the Utah Geological Association, held at UGS offices, 1584 W. North Temple.

The project is sponsored by the Southern Nevada Water Authority. SNWA wants to to pump out 200,000 acre-feet of groundwater yearly and pipe it to the Las Vegas vicinity. In some cases, the pumping would be done only five miles from the Utah border.

The project would tap water from Spring Valley, Nev., and Snake Valley, which straddles the state boundary.

The authority had requested 90,000 acre-feet from Spring Valley. In April, Hurlow noted, the Nevada state engineer said the authority could withdraw 40,000 acre-feet per year from Spring Valley for 10 years. If monitoring shows no serious problems after that period, an additional 20,000 acre-feet per year would be taken.

SNWA also applied for permission to take 50,680 acre-feet yearly from Snake Valley; this application is pending.

Hurlow said a recent study by the U.S. Geological Survey shows that the underground aquifers are connected with water generally flowing from Spring Valley in Nevada into Snake Valley in both states, and then toward western Utah towns like Garrison, Millard County, and Callao, Juab County. It also flows toward wildlife areas like Fish Springs, Juab County.

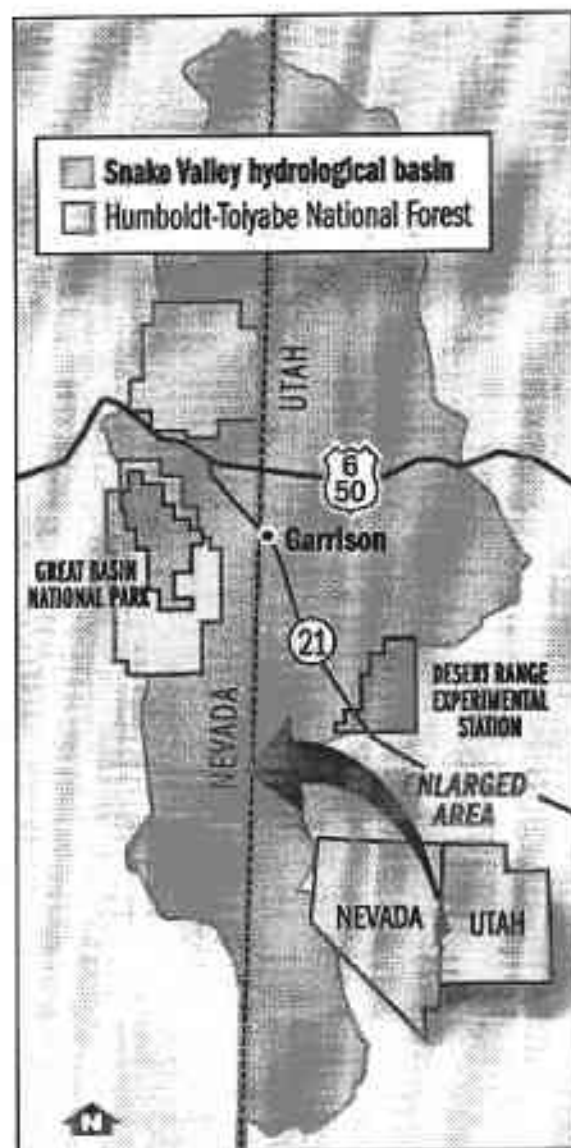
"What kind of impact would these proposed wells have on the aquifers in Utah?" he asked. "And the answer right now is, we really don't know. We have only the broadest estimates."

In that vein, he said, a 1995 USGS study simulated the effect of pumping groundwater as SNWA would like to do. While admittedly not detailed and limited in geological modeling, the study shows a "significant depression" in the water table in Utah.

In some places the water table would drop 50 feet, in some others 100 feet. "The 50-foot contours extend well into Utah. And for those areas, that is a significant amount of draw-down of their aquifers."

Groundwater may drop below the root zone of some plants, he said. But it's hard to tell exactly how much impact there would be, at this stage in the studies.

A 100-foot drop would extend well over the border and envelop "this area of agriculture south of Garrison," he said.



Deseret Morning News graphic

The 50-foot contour, where the water table would drop that much, "extends over into this area in Utah," he said, pointing to a map.

Baker, Nev., could experience serious changes. "It shows that after 10 or 20 years of pumping in the carbonate aquifer (deeper aquifer) the water levels would decline by over 200 feet, and about 150 feet in the basin-fill aquifer."

Another important effect is on biology. When springs go dry or have reduced flow, it could further endanger species of concern such as the least chub, spotted frog, snails and the Lake Bonneville cutthroat trout.

If these already-scarce animals are likely to be impacted, he said, "all kinds of extra federal regulation might come in."

To better understand the situation, the Utah Geological Survey is soon to begin constructing a series of groundwater monitoring wells in a project costing \$2 million to \$3 million in state money, Hurlow said. Some may be as deep as test wells drilled by SNWA, 1,700 feet. Eight wells paralleling the border are to be drilled soon.

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Protect Utah water: New study shows why Las Vegas plan could hurt Utah

Tribune Editorial
Salt Lake Tribune

Article Last Updated: 06/09/2007 01:55:16 PM MDT

Sprawling Las Vegas wants to pump ground water out of Spring Valley in east central Nevada to quench its growing thirst. Water officials in Southern Nevada say they can take that water without affecting springs and wells in neighboring Snake Valley, which lies partly in Nevada and partly in Utah. But that's a sucker's bet.

A new study by the U.S. Geological Survey throws cold water on the idea. To be fair, the study doesn't say that the Spring Valley scheme would be a disaster. There may be a safe amount of ground water that can be withdrawn from beneath the valley every year without severely damaging other water users, wildlife and plants in Nevada or Utah.

But what the study *does* suggest is that no one knows exactly what that safe amount is.

To begin with, the geology and hydrology beneath the valleys of the Great Basin are complex. What this latest study argued is that the aquifers beneath Spring, Snake and Steptoe valleys (there are a dozen valleys in the system) are closely linked, and that ground water flows from one valley to another in larger quantities than previously estimated.

What that means is that if you withdraw ground water from Spring Valley, it is more likely than previously thought to affect springs, seeps and wells in Snake Valley.

On the face of it, there is ground water available to send to Vegas, because the regional system as a whole discharges 90,000 acre-feet of ground water a year less than the total new water that Mother Nature puts into the aquifers. Some of that discharged water flows toward the Great Salt Lake, some toward the Colorado River.

But a closer look shows that the aquifers are in equilibrium. Withdraw large gulps of water for Las Vegas and supplies will suffer.

That's one reason why the Nevada state engineer, who governs water rights, urged caution. He ruled that the Southern Nevada Water Authority may take 40,000 acre-feet a year from Spring Valley for 10 years, but the hydrology must be closely monitored. If existing water rights are impacted, or the pumping is found to be environmentally unsound, Las Vegas will be ordered to curtail pumping or mitigate the loss.

Nevada has the right to decide what to do with its water. But Utah has a dog in this fight, and Utah officials must vigorously protect Utahns' water in Snake Valley during negotiations with Nevada. The USGS study clearly shows why.

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Congress must act to safeguard the Clean Water Act

Larry Schweiger
Salt Lake Tribune

Article Last Updated:06/05/2007 06:23:59 PM MDT

Water flows downhill.

From that basic law of physics, it follows that anything dumped into a water source - including pollutants - will eventually wend its way downstream through the interconnectedness of wetlands, tributaries, streams, rivers, ponds and lakes.

For this reason, Congress passed the 1972 Clean Water Act to set a national standard protecting all the nation's waters. For more than three decades, the agencies charged with enforcing those safeguards have viewed the aquatic system as a whole, realizing that the capillaries connect to the bloodstream.

The benefits to the nation from this farsighted legislation have been incalculable.

Last year, the U.S. Supreme Court threw it all into confusion.

In a contentiously split decision, the court mandated that, for the present at least, questions of Clean Water Act jurisdiction over many wetlands will have to be thrashed out on a case-by-case basis in the lower courts. The decision also placed federal protection of important headwater streams in doubt.

A 2001 decision further muddled the waters over Clean Water Act protection for isolated wetlands and streams.

The result of these decisions is certain: The lawyers will have a field day.

Now, the chief enforcement agencies, the Environmental Protection Agency and the Army Corps of Engineers, will attempt to write new wetlands jurisdiction rules based on interpreting the tea leaves contained in the various justices' voluminous opinions. That will mean more litigation.

The solution is obvious.

Some of Congress' staunchest defenders of the Clean Water Act, including Reps. James Oberstar of Minnesota and John Dingell of Michigan, have just introduced legislation confirming that Congress meant what it said in 1972: The Clean Water Act applies to all the nation's waters and not just some. The protections are a national standard, not a patchwork.

There is no good reason why this cannot be done before this Congress adjourns.

Passage of this legislation to end the confusion caused by the Supreme Court is the most decisive tool available.

The administration is fully aware that President Bush's commitment to a legacy of a net gain in wetlands cannot be achieved if the traditional scope of the Clean Water Act's safeguards is eroded.

The Clean Water Restoration Act of 2007 reaffirms the traditional scope and clear purpose of the Clean Water Act.

Unless the legislation becomes law, 20 million acres of the nation's wetlands are at risk of losing Clean Water Act protections. Additionally, some 60 percent of stream miles in the United States which do not flow year-round could also lose protection.

These waters are the lifeblood of our country's diverse water system. Healthy streams, wetlands and lakes mean healthy people and abundant populations of wildlife. Weakening protections for these waters puts us all at risk.

The waters at risk of losing protection help replenish water supplies, filter out pollution, work as buffers against storms and floods and provide habitat for America's fish, birds and other wildlife.

Global warming will mean increasingly intense storms, droughts and habitat loss. Having healthy wetlands, rivers and streams will be essential in helping people and wildlife survive the threats of global warming.

The matter is vital. The confusion should be set aside. Congress should act to clearly restate the principle that the Clean Water Act applies to all the nation's waters - those great and those small - all of them together being the foundation of life for us all.

* LARRY SCHWEIGER is president and CEO of the National Wildlife Federation, www.nwf.org.

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New study: Utah could lose west desert water to thirsty Nevada

By Christopher Smart
The Salt Lake Tribune
Salt Lake Tribune

Article Last Updated:06/05/2007 08:01:21 AM MDT

Aquifers beneath the west desert are more connected than previously believed, indicating that a project to pump groundwater to Las Vegas from central Nevada valleys could impact neighboring Utah farmers and wildlife.

A draft analysis released by the U.S. Geological Survey reveals that groundwater flows from Nevada to Utah at a greater rate than anticipated. It also indicates that there may be more groundwater in various aquifers than expected.

That news only adds to the anxiety of ranchers and conservationists who say a proposal by the Southern Nevada Water Authority to eventually pump as much as 200,000 acre feet of water from desert valleys annually to the ever-growing Las Vegas metropolis would be "devastating."

"It's basically a very immoral thing to do," Utah rancher Cecil Garland said Monday. "Those of us in agriculture know there isn't that kind of water in these desert valleys."

Earlier this year, Nevada State Water Engineer Tracy Taylor ruled that the water authority could pump 40,000 acre-feet of water yearly from aquifers in Spring Valley, Nev. That area lies directly west of Snake Valley, which straddles the Utah-Nevada border.

After 10 years, state and federal authorities will determine whether the pumping has been harmful to the environment. If the impacts are not too great, the Nevada water authority could then pump an additional 20,000 acre-feet a year from Spring Valley to Las Vegas.

But that could be too late for fragile desert vegetation and wildlife that depend on it, said Launce Rake, spokesman for Progressive Leadership Alliance of Nevada. Because the aquifers are so connected, a drawdown in Spring Valley will reduce flows to Snake Valley, he said.

"One of our real concerns is that we won't know what's going to happen until it starts happening," Rake said. "But there are going to be impacts in vegetation, wildlife and on the livelihoods of folks in Snake Valley. That's the bottom line," Rake said.

Pumping desert groundwater could eventually have repercussions on as many as 20 species protected under the Endangered Species Act, said Jim Deacon, professor emeritus in biology, University of Nevada, Las Vegas.

Among the species at risk are the Pahrump pool fish in Spring Valley and the least chub in Snake Valley.

"The connectedness that's shown in the new [USGS study] is further evidence that impacts on the upstream flow system will be felt downstream," he said. Eventually, "that could impact regional springs and all the plants and animals dependent on them."

But southern Nevada officials say the draft analysis reveals plenty of water to go around.

"The data demonstrate there is a large quantity of groundwater available," said J.C. Davis, spokesman for the water authority. "That should move people past the rhetorical stage."

Further, Davis said that Nevada and federal officials are cognizant of potential environmental impacts from a groundwater drawdown and have agreed the pumping project cannot be detrimental to wildlife. Ranchers, too, will be protected.

"A permit for groundwater in Nevada is not a blank check," he said.

But among the tenets of federal legislation that authorized the pipeline is that Utah and Nevada must reach an accord that keeps wildlife and ranchers from being harmed. Such an agreement is necessary before the water authority can pursue groundwater in Snake Valley - the next phase of its pipeline project.

Mike Styler, director of Utah Department of Natural Resources, is hopeful, but after over a year of discussions, no such agreement has been reached.

"We want [the Nevada project] to succeed," Styler said. "We just don't want them to take any Utah water. Existing water rights and uses must be protected."

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* A new draft study by the U.S. Geological Survey says Nevada aquifers are more connected to Utah aquifers than believed earlier.

* The study has also determined that some groundwater from Nevada's Spring Valley flows to Snake Valley in western Utah, but there may also be more groundwater in the aquifers than thought.

* The Nevada state engineer has given the Southern Nevada Water Authority approval to withdraw 40,000 acre-feet of groundwater from Spring Valley annually.

* Snake Valley ranchers on both sides of the state line and conservationists charge that such a withdrawal would harm their valley's ecosystem and damage

ranchers' livelihoods.

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Deseret Morning News, Tuesday, June 05, 2007

Las Vegas plan is all wet

Deseret Morning News editorial

A new study by the U.S. Geological Survey makes it sound as if Utah's western deserts have plenty of extra water. That comes as a surprise to the few ranchers there who are trying to cope with dried-up springs and meager streams.

But it also paints a vivid picture of how interconnected water supplies are in the arid deserts of the West, which ought to be enough to put an end to any talk of pumping some of that water to meet the needs of Las Vegas.

Large desert metropolises need water, of course. But this isn't the way to meet those needs. The results could be damaging and irreversible.

The report, sent to Congress and released publicly over the weekend, concludes there is plenty of annual runoff to meet the needs of a Las Vegas project, which wants to pump 25,000 acre feet of water from an underground aquifer in Snake Valley, an area that includes parts of both Nevada and Utah.

The report also concludes that some of the rain in mountains of Nevada ends up flowing underground to parts of the Great Salt Lake Desert, which sheds new concerns about a separate plan to pump water for Las Vegas from Spring Valley in Nevada.

A map in the report, complete with arrows, shows how groundwater flows from one region to another throughout the area. Generally speaking, this ancient natural system provides a remarkable means to sustain life in an otherwise harsh environment.

There may indeed be enough water there to supply what Las Vegas wants, but, if nothing else, the report demonstrates how fragile and interconnected water is in this region. That should end any thought of disrupting it.

The folks who ranch in Utah's sparsely populated western desert have a number of credible worries. The first is that they scarcely have enough for the grazing and growing they need to do as it is. They also worry about the future of greasewood trees, which are an important part of the desert's ecology.

These trees have deep roots that tap into underground aquifers. Anything that lowers those aquifers might kill those trees. In addition, they worry that polluted aquifers below the salt desert are being held in check by the pressure of freshwater aquifers. A pumping project could reduce that pressure and lead to pollution of freshwater supplies.

That would be an ecological disaster that could make living and ranching in western Utah impossible. The public has until Aug. 1 to comment on this report. Our recommendation is to tell Las Vegas to look elsewhere for its water.

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Deseret Morning News, Monday, June 04, 2007

Study raises groundwater concern

By **Joe Bauman**

Deseret Morning News

A new study by the U.S. Geological Survey about aquifers that would be impacted by a Las Vegas water project is raising a new concern: Should Utahns far from the border with that state worry about groundwater loss?

The report to Congress, released Saturday, is titled "Water Resources of the Basin and Range Carbonate-Rock Aquifer System, White Pine County, Nevada, and Adjacent Areas in Nevada and Utah — Draft Report." Comments will be accepted on the report for 60 days starting last Saturday.

The issue of how much water is needed to sustain the environment and ranches of western Utah is a critical one, since a groundwater project proposed by the Southern Nevada Water Authority would pump water from the underground aquifer of Snake Valley, which is in both Utah and Nevada. The water would be piped to the Las Vegas area.

Snake Valley would provide as much as 25,000 acre-feet. Another project that is part of the overall plan, the Spring Valley Project, entirely in Nevada, would take another 91,000 acre-feet.

The study area takes in most of White Pine County, Nev., and parts of Elko, Eureka, Nye and Lincoln counties in that state. In Utah, it includes parts of Tooele, Millard, Beaver, Juab and Iron counties.

The report concludes that a lot of water beyond what is needed to recharge the regional aquifer flows from the mountains and into the groundwater. It concludes that for the whole region of several basins, the annual "runoff" not needed for recharge amounts to 586,000 acre-feet.

That seems to leave a huge amount of water available for the tapping. For the Snake Valley aquifer, the yearly "runoff" beyond what is needed to recharge the underground water is calculated at 126,000 acre-feet on an average based on weather from 1970 through 2004. In the longer term, 1895-2006, when water was scarcer, the "runoff" was 115,000 acre-feet, according to the report.

To some, the finding is peculiar, since much of western Utah is sagebrush desert.

"At the same time they're saying there's more water, it's still a case of springs drying up and streams way below their normal capacity," said Ken Hill, a resident of Partoun, Juab County, who is a member of the Great Basin Water Network.

He and other network members fear that any large-scale pumping of the shared aquifer could have bad consequences both in Utah and Nevada.

Hydrologists working with the network will undoubtedly take a close look at the new report, he said.

Another point the study makes is that hydrologic basins are tied together. "We knew they were interconnected, but not to the degree that they were finding. There's way more interconnectedness and flow," Hill added.

In fact, these connections are an explanation for the "runoff." The water does not pour across the land, like the spring runoff in the Wasatch Mountains flowing toward local rivers. It soaks into the ground, recharging aquifers. And then it flows along to other aquifers in the linked system.

"The Egan and Schell Creek ranges are the primary source areas for groundwater in Steptoe Valley (Nevada), where the highest water-level altitudes in the basin fill are found in the study area," says the study.

"Groundwater flows northward through Steptoe Valley and southeast through northern Steptoe, Lake, Spring and Snake Valleys.



Deseret Morning News graphic

"The Schell Creek and Snake Ranges are the primary source areas for northeastward groundwater flow through northern Spring, Tippet and Snake Valleys.

"Groundwater exits the study area from Snake and Tippet valleys and flows northeastward toward a terminal discharge area in the Great Salt Lake Desert."

In other words, groundwater flows originating in mountains of Nevada end up nourishing springs and ranches in the Great Salt Lake Desert. Apparently that includes water from Spring Valley, too.

"Which seems to me it ought to be a little bit alarming, not only to us," Hill said.

The study also notes that an evaluation of aquifer storage "does not consider the potential impacts to changes in storage caused by groundwater extractions, such as declining water levels in wells, decreasing spring discharge, diminished water quality or native vegetation."

A summary of the study is posted on the Internet at pubs.usgs.gov/of/2007/1156, where comments may be left before Aug. 1.

E-mail: bau@desnews.com

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Water grab**Public Forum Letter****Salt Lake Tribune**

Article Last Updated:06/02/2007 02:00:24 PM MDT

Regarding the July 12, 2006, editorial, "Pull the plug: USGS report is enough to stall Nevada water plan," it didn't work.

On April 16, 2007, the Nevada state engineer authorized Nevada to start pumping 20 billion gallons of water from the Snake aquifer. This must mean that the Utah Water Resource Board has agreed to allow Las Vegas to suck out the 8 billion gallons of Utah's water in the Snake aquifer? I certainly hope we got something really nice in return. Why do we want to turn Iron and Milford counties into a desert? Does big money always win out?

Leland Tate

St. George

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Slow the flow: Water efficiency before Lake Powell Pipeline

Tribune Editorial
Salt Lake Tribune

Article Last Updated: 05/31/2007 07:55:26 PM MDT

Parents counsel their children to use their resources wisely before they even think about buying more. That same philosophy should be applied to water in general and to the Lake Powell Pipeline in particular.

The Washington County Water Conservancy District is trying to convince Utahns to build a 160-mile pipeline to carry water to Cedar City from Lake Powell via St. George. The estimated cost is \$500 million.

But before Utah puts its full faith and credit on the line to finance this scheme, which could cost \$1-2 billion by the time finance costs and associated treatment plants and reservoirs are totted up, the people of Washington, Iron and Kane counties and their water managers should make a much more serious effort at water efficiency.

St. George sits on the cusp of the Mojave Desert, after all. To look at the place, with its nine public golf courses and lush lawns, you might think that this reality has not sunk in.

Critics of the pipeline project, including Citizens for Dixie's Future, argue that Washington County can accommodate population growth from the current 140,000 to the 607,000 projected by 2050 with existing water resources. But for that to happen, St. George and its neighboring communities would have to cut water consumption per person to a level that would match those of more water-efficient communities in the arid West.

These critics point out, rightly, that conservation is far cheaper than the pipeline.

The Citizens for Dixie's Future claim that St. George consumes 342 gallons of water per person per day. By comparison, Las Vegas consumes 280, Albuquerque 194 and Tucson 177. Cut St. George's appetite for water to Tucson's level and the Lake Powell Pipeline would not be needed, they claim.

The Washington County Water Conservancy District would dispute this. It claims, for example, that per capita water usage in the county was cut from 335 gallons to 283 gallons over the nine years ending in 2005. But even if you accept the district's numbers, that's still a far cry from Albuquerque's or Tucson's efficiency.

We aren't prepared to say whose numbers are correct, but it's clear that water managers in Dixie and at the state Capitol should get serious about water efficiency before they buy a \$1 billion pipeline.

St. George sits on the cusp of the Mojave Desert, after all. To look at the place, with its nine public golf courses and lush lawns, you might think that this reality has not sunk in.

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Pump failure prompts drastic water conservation measures

Written by Suzanne Ashe

Due to equipment failure in one of the city's wells, Tooele City residents are being asked to severely limit outside water use in order to conserve water for indoor use and emergencies. That includes not water lawns or washing vehicles for about 10 days.

Tooele Mayor Patrick Dunlavy said residents of the southeast section of the city & an area of approximately 500 to 600 homes and several churches & will be most affected.

The pump in city-owned well No. 12 stopped working several weeks ago. That failure, combined with a lack of spring runoff, has left the city facing a water shortage, Dunlavy said.

"The equipment failure was unforeseen," Dunlavy said. "We are addressing the problem aggressively and taking steps so it won't happen in the future."

The problem began when the well pump, which normally pushes 1,500 gallons of water a minute, malfunctioned, said Tooele City Engineer Paul Hansen.

Normal watershed would supply the area with another 1,500 gallons a minute, but due to the lack of precipitation and the unseasonably warm weather there is even less water in the mountains than in normal years.

The section of the city most affected is south of Skyline Drive, east of Seventh Street and also south of Vine Street. The area is usually serviced by water coming from two sources, the No. 12 well and Settlement Canyon Reservoir, which also services other areas of the city. Currently that reservoir is only servicing the affected area.

All developments in the southeastern portion of the city have been halted until the repaired pump is back in place.

The city's current budget will provide for a booster pump and an additional supply line to prevent future calls for severe water restrictions.

"If we can't get people to conserve as much as possible, there will be a noticeable drop in indoor water pressure," Hansen said.

City officials will be canvassing the affected area letting residents know to limit their outdoor water use for at least the next 10 days. Other Tooele City residents are also being asked to conserve as much as possible.

For more information call Tooele City Hall at 843-2255.

sashe@tooeletranscript.com

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Deseret Morning News, Tuesday, May 29, 2007

State striving to 'rehabilitate' watersheds**By Nicole Warburton**

Deseret Morning News

VERNON, Tooele County — This is rugged country, where sagebrush and juniper trees dominate a landscape that's marked by rolling hills, a couple of homes and one-lane roads.

State wildlife officials are spending millions of dollars to preserve watersheds and rehabilitate native habitat in areas like this across Utah. So far, about 400,000 acres statewide have been treated and improved. The aim is to help keep endangered species, such as the sage grouse, off of the endangered-species list, improve watersheds and restore habitat.

Utah's efforts have been recognized by other states, which are now following its lead with similar restoration projects.

At first glance, the land here appears dry and unproductive. But state and federal officials, local cattle ranchers and conservationists say the dusty land is a top watershed area, and critical habitat for animals. They're working in several areas in the region to improve the land through a program known as the Utah Watershed Restoration Initiative.

The initiative is managed by the Utah Department of Natural Resources and Utah Partners for Conservation and Development (UPCD), which has members from more than 15 state and federal agencies. Close to \$11 million has been spent on the Utah land restoration since the program's creation, and at least 920 projects have been completed or are under way, said Rory Reynolds, Watershed Program Director with the natural-resources department.

The projects range from tearing out swaths of juniper that have invaded sagebrush habitat to removing highly flammable and non-native cheat grass. This helps to stop soil erosion, create wildlife habitat, improve grazing conditions and ensure that runoff doesn't evaporate, said Reynolds.

It costs from \$100 to \$150 to rehabilitate an acre of land.

"You've got to do things now to ensure that our resources are available," he said.

During a tour this month of six rehabilitation sites near Vernon and the Rush Valley, Reynolds' work partner, A.J. Martinez, compared the projects to maintaining a house.

"If you don't maintain it, it will depreciate a lot," he said.

Maintenance and improvement were the goals five years ago, when the state first embarked on its initiative to improve watersheds.

In 2002, state leaders noticed that sagebrush and animals dependent on the desert plant were suffering as result of a seven-year drought. A campaign was started to restore and rehabilitate the sagebrush habitat. The effort then "morphed" into a project to improve watersheds — the Utah Watershed Restoration Initiative, said Ashley Green, habitat manager for the DWR's central region, and regional chairman of the UPCD.

The project has gained attention from other Western states such as Idaho and Wyoming, which are starting their own restoration programs with help from Utah. Green says the program has helped to keep the sage-grouse off of the endangered species list.

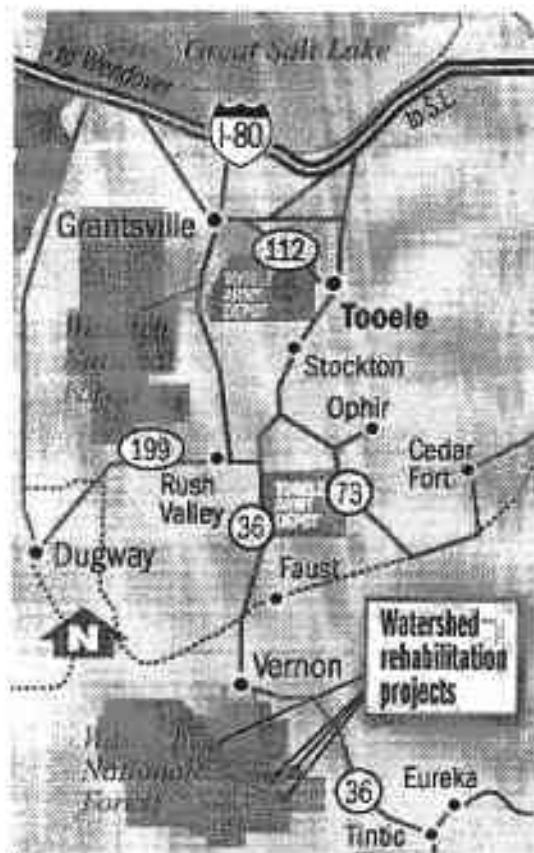
A watershed is an area where water is collected. They are found across the state, "all the way from the mountains with quaking aspens to the driest deserts in St. George," said Troy Forrest, who works with the state's grazing-improvement program.

Although some of the state's rehabilitation projects are in wet, mountainous areas, many of the projects take place in desert areas. Near the Vernon area, work is being done to restore



Conservation workers examine a site on Bennion Ranch near Vernon where plant and animal habitat is being restored.

Kristin Nichols, Deseret Morning News



Deseret Morning News graphic

habitat and increase forage opportunities for cattle on the Bennion Ranch, which is owned by Alan and Elizabeth Mitchell.

In one project on the ranch, workers used an anchor chain to rip up a thick swath of juniper trees, which had invaded a nearby sagebrush habitat. When the trees grow out of their natural habitat on rocky outcrops near hillsides, they block the sunlight and stop other plant species from growing.

The anchor chain used to remove the trees was 300 feet long, and weighed over 100 pounds. Two bulldozers pulled it across the land, leaving a few sagebrush and open land for sage-grouse to congregate when mating. These open areas are known as leeks.

"This is where (sage-grouse) can get together, strut, dance, puff up and expand with air" when mating, said Mark Farmer, a DWR habitat biologist.

Workers did a similar project up on a hillside on the ranch. Uprooted junipers were left in piles on the ground, and grass has begun to grow in areas under the dead trees.

Elizabeth Mitchell, the ranch owner, said it takes work and study to figure out what projects would be best to rehabilitate the land. The land, she said, is her livelihood.

"The land supports the grasses, which support the livestock and wildlife," she said. "You have to take it all in holistically and understand all the elements."



Sagebrush grows sparsely around a juniper tree on Bennion Ranch. Junipers are "chained" to let sagebrush and other native plants grow.

Kristin Nichols, Deseret Morning News

For now, state officials have no time-frame for when their watershed rehabilitation program will end. Green says it depends on funding from the state and a multitude of private and public agencies, but he is confident the program has support.

"We're a lot further along than we thought we would be," he said. "As long as we continue to work together and find common areas, the future looks good."

For more information, log on to: wildlife.utah.gov/watersheds/.

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The Salt Lake Tribune

<http://www.sltrib.com>

Council: No go for water-conservancy district

By Arrin Newton Brunson

Special to The Tribune

Salt Lake Tribune

Article Last Updated:05/24/2007 02:38:01 AM MDT

LOGAN - The Cache County Council has decided against establishing a water-conservancy district in this northern Utah county.

Former state Rep. Evan Olsen of Young Ward was paid \$10,000 to study the idea and pushed for its creation.

"We need a water-conservancy district," he told the council this week. "It should be put to a vote of the people at our next general election in 2008."

But the council, acting on a recommendation from a county water committee, opted instead to form and fund a water department.

- Arrin Newton Brunson

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deseretnews.com

Deseret Morning News, Thursday, May 24, 2007

Septic-tank pumper to keep job for now

By Elizabeth Stuart
Deseret Morning News

PROVO — The Utah County Board of Health decided this week to allow a man accused of illegally dumping sewage on multiple occasions to resume operation of his septic-tank pumping business — at least until a verdict is rendered in court cases against him.

Marvin Butler and his company Butler Services Almost Home are currently under investigation for allegedly unlawfully burying sewage near the Spanish Fork River and discharging the contents of a septic tank on a roadside in Juab County. In both cases, Butler is charged with the unlawful discharge of pollutants, a third-degree felony.

If Butler is found guilty in either case, his liquid waste scavenger permit will be revoked, according to the board.

Butler's application to renew his permit, which is required to pump septic tanks, was originally denied in January.

In addition to the pending charges against him, Butler has been accused of illegally dumping on four other occasions during the past seven years.

He has never been convicted of related crimes, however.

According to health department records, the Utah County Health Department has received more than 16 complaints about Butler Services Almost Home since 1993.

"We receive complaints constantly from fishermen that either see Mr. Butler dumping or see things in a river, like feminine hygiene products, that are obviously sewage," said Terry Beebe, division director for environmental health.

Members of the county board of health were reluctant to deny Butler a permit because there is no way to prove Butler actually broke the law and violated health regulations.

The health department conducts investigations on all complaints it receives, but sometimes evidence is inconclusive, said Brian Nielson, an environmental health scientist for the Utah County Health Department.

"It is very, very hard to actually find someone dumping sewage," he said.

During Monday's meeting with the board, Butler openly admitted he emptied the contents of a septic tank on the side of the road in Juab County, but, he said, this was the only time he knowingly violated waste disposal laws, which require sewage to be put through a treatment plant.

He called the incident "a lack of judgment."

"I did not do what they claimed I did," he said. "I don't care if they throw me in prison because I don't think what I've done wrong is that wrong."

While the board is not bound by a court's decision in the cases against Butler, the majority of board members said a guilty verdict would make them more comfortable taking away a man's livelihood.

"We're obviously giving you the benefit of the doubt because there is a lot of doubt," Rulon Barlow, the board's co-chair, told Butler during the meeting Monday.

Butler is not confident the court system will ferret out the truth, however.

Even though the board gave him a permit, Butler is considering giving up his business of 37 years. He already took some of his equipment to the auction yard to pay bills that have piled up since his permit was denied.

"I might not even go get the permit," he said. "If I had more faith in the legal system, I would. But why go put a couple hundred dollars into something you don't believe will work out?"



May 24, 7:55 AM EDT

Drought allows lake muck to be removed**By BRIAN SKOLOFF****Associated Press Writer**

WEST PALM BEACH, Fla. (AP) -- State water and wildlife managers are taking advantage of an unprecedented drought by removing life-choking muck along Lake Okeechobee's shoreline. The 500,000 cubic yards of rotted, dead plant life and sediment - enough to fill Dolphin Stadium from the field to its highest seat - will be trucked from the lake starting Thursday.

Its removal over several months will return the bottom of the lake along its southwest shoreline to a more natural sandy base and create clearer water and better habitat for plants and wildlife.

Lake Okeechobee is a backup drinking water source for millions in South Florida and the lifeblood of the Everglades. It has dropped to a near record low after a months-long drought experts say is the worst the region has ever seen.

While the drought has led to severe water restrictions across the state, it has presented an opportunity to clean portions of the highly polluted lake, as water levels have dropped enough to expose typically submerged shoreline.

The muck, which has accumulated over the years, is choking life from the lake's shore. It prevents sunlight from reaching the bottom, keeps fish from laying eggs and inhibits plant growth.

Portions of shoreline will soon see the return of wading birds, fish and native plants long smothered by the blanket of muck, which has become more of a dry, soil-like material after baking in the sun, said Don Fox, a biologist with the Florida Fish and Wildlife Conservation Commission.

He said fish breeding attempts have been futile.

"When they try to lay eggs in this muck, they just sink down," Fox said. "There's low oxygen content and they just die."

The initial removal is part of an \$11.5 million project that will eventually take out about 3.8 million cubic yards of muck along up to 15 miles of shoreline, he said. It is the largest ever such project at the 730-square-mile body of water, the second-largest natural freshwater lake in the contiguous United States, behind Lake Michigan.

Much of the lake's problems lie in its high phosphorous levels, which cause pollution in estuaries and in the Everglades. The majority of the life-killing nutrient is buried in muck at the lake's center - about 50,000 tons of it over 300 square miles, experts say.

The project beginning Thursday will remove some of the phosphorous, but state water managers are still devising a plan to get out the rest of it.

"The big benefit will be getting that material off the lake bottom so we can get the plant life back and restore the fisheries habitat," said Susan Gray, deputy executive director of watershed management for the South Florida Water Management District, which is also working on the project. "But when you get the vegetation growing back in the lake, you also get an improved ability for the lake to absorb phosphorous."

Audubon of Florida scientist Paul Gray called the effort a step in the right direction, but noted,



AP Photo/Lynne Sladky



Advertisement



"it's not going to save the lake."

"It's still a really good thing," Gray said. "But if the lake would fluctuate normally, we wouldn't have to do this. Mother Nature would fix it."

Lake Okeechobee has suffered from years of dikes, dams and diversions intended for flood control. Its main water source, the Kissimmee River, starting to the north near Orlando, was diverted in the 1960s by the Army Corps of Engineers with a 22-mile canal.

The move flushed massive amounts of water and pollution from urban runoff and agriculture into the lake. The corps is working to restore the river.

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Energy and environment

Governor fills two key state offices

Nelson leaving Capitol post, while Nielson and Sprott are taking on new assignments

By Judy Fahys

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated:05/18/2007 01:19:50 AM MDT

Utah's longest-serving Environmental Quality director, Dianne Nielson, is moving her office to the Capitol to be Gov. Jon Huntsman Jr.'s energy adviser.

Nielson has led the state's environmental quality office since being appointed by Gov. Mike Leavitt in 1993. One of just four Cabinet members still remaining from the Leavitt administration, she is filling a position left open with the imminent departure of Huntsman's first energy adviser, Laura Nelson.

Huntsman praised both key executives, saying that he tried to persuade Nielson to stay on and that Nielson already had a solid grasp of Utah's energy issues. The energy office deals with both the problem of meeting Utah's growing energy needs and the related problem of pollution generated by energy production and use, including climate change.

"There is a natural intersection between energy and the environment," said Huntsman. "Dianne understands that."

Nielson said it was a good time for her to make the transition out of the energy adviser job so that she can give full attention to her family.

"I am proud of what we have accomplished," she said of her nearly two-year tenure.

Nielson pointed to the state's advances in energy efficiency and development of a comprehensive, in-depth energy plan as "a good, strong foundation for moving forward." She came to the office with experience as an Idaho Public Utilities Commissioner, a consultant for the Utah Division of Public Utilities and an economist with the state Committee of Consumer Services.

The top job at the Department of Environmental Quality will be filled by Rick Sprott, who is currently director of Utah's Division of Air Quality.

Together, Nielson and Sprott have cultivated an environmental regulation program for the state that emphasizes cooperation among the various stakeholders, including business, lawmakers, government, and environmental health and safety advocates. They are both headed next week to meetings at the Chicago Climate Exchange, where greenhouse-gas pollution is traded just like stocks on the New York trading floors.

"There are a number of challenges and a number of opportunities in terms of energy policy," said Nielson, "so I am excited to step into that role."

Nielson, a geologist, led the Division of Oil, Gas and Mining before taking the reins at the DEQ. She is credited with shaping a multistate strategy for cleaning up haze in the Grand Canyon and for derailing plans by a consortium of out-of-state electric utilities to use a patch of the Skull Valley Goshutes Reservation to store used nuclear-reactor fuel.

"The state is very fortunate to have her as energy director," said Kathy Van Dame, executive director of the Wasatch Clean Air Coalition and a member of the state Air Quality Board.

"Rick has giant shoes to fill, and I look forward to seeing him meet that challenge."

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Deseret Morning News, Friday, May 18, 2007

Huntsman's DEQ director named new energy adviser

Gov. Jon Huntsman Jr. on Thursday appointed Dianne R. Nielson as his energy adviser, replacing Laura Nelson, who is leaving for personal reasons.

Nielson is part of Huntsman's Cabinet, serving as executive director of the Department of Environmental Quality. She will be replaced by Rick Sprott, director of DEQ's Division of Air Quality.

The transition will occur over the next several weeks. Nielson plans to continue to consult with Huntsman on energy-related issues.

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Deseret Morning News, Sunday, May 20, 2007

Colorado water pact crucial for Utah*Upper basin states are struggling with drought already***By Judith Kohler**
Associated Press

DENVER — Utah and three other upper basin states that use Colorado River water have a big stake in the success of a proposal for managing the river, especially as the region's drought drags on, say negotiators and water managers.

The upper basin states — Utah, Colorado, Wyoming and New Mexico — are already struggling with drought and could face cutbacks if they and other users of the river water in Arizona, California and Nevada fight rather than cooperate, said Jim Lochhead, an attorney representing several Colorado water districts and communities.

The seven states hope that an agreement they signed recently after months of negotiations will be adopted by the Interior Department to help manage the Colorado River.

The Interior Department is considering guidelines for dealing with water shortages. The guidelines would update a 1922 compact laying out the states' shares of water from the river that starts in the Never Summer Range of the Rockies in north-central Colorado.

Arizona, California, Nevada and, under a treaty, Mexico are guaranteed a certain amount of river water every year. The upper basin states, so called because of their geography, divvy up the rest, which the states say isn't as much as estimated when the compact was approved.

The proposal would allow the upper basin to deliver less water during droughts and includes incentives for conservation, improved efficiency and ways for users to bank water in the reservoirs.

The Interior Department expects to issue a final environmental impact statement on the guidelines by year's end. The agency had encouraged states to come up with their own solution or face one imposed by the government.

"Colorado has a huge amount at stake in these negotiations primarily because if we are in a situation where we don't meet our compact obligations and are required to curtail uses, the first users in Colorado potentially affected are the whole Denver, Front Range municipal area," said Lochhead, one of the main negotiators.

The area's population is more than 3.6 million and growing. At least 30 million people in one of the country's fastest-growing regions depend on the Colorado River.

But rising demands and more than six years of drought are straining the system. Water managers are also grappling with the potential impacts of climate change, which could mean less moisture and unpredictable weather.

Under the compact, the upper basin states must deliver 75 million acre feet every 10 years to the lower basin states. In practice, at least 8.2 million acre feet of water have been released annually from Lake Powell, the upstream reservoir in Utah, to Lake Mead in Nevada since the late 1960s, said Don Ostler, executive director of the Salt Lake City-based Upper Colorado River Commission.

California's share is 4.4 million acre feet, although it used more when there were surpluses.

An acre foot of water is about 326,000 gallons, or enough for two households for one year.

The rest of the water is split with Colorado getting 51.7 percent; New Mexico, 11.25 percent; Utah, 23 percent; and Wyoming, 14 percent. Mexico is due 1.5 million acre feet a year.

The thought was that the upper basin would get about 7.5 million acre-feet a year. Ostler said the area can expect at least 6 million acre-feet most of the time.

"The upper basin deals with shortages routinely. They occur because a lot of upper basin uses occur on upper tributaries above the reservoirs,"



Drought has lowered the Colorado River and Lake Powell at Hite Bridge on state Route 95.
Ray Boren, Deseret Morning News

Ostler said.

The lower basin is feeling the pinch as the drought continues. Snowpack in the mountains, the major source of Colorado River water, has diminished. The flow from the upper basin has dropped, ranging from 25 percent of average to 62 percent since 2000.

Ostler said this year's flow likely will be about 70 percent of average.

The states' plan sent to Interior Secretary Dirk Kempthorne is a significant step forward in dealing with the drought and rising demands, said Patrick Tyrrell, Wyoming state engineer.

"For the first time now, we have on record at least a way to approach shortages in the lower basin," Tyrrell said.

The proposal would also establish a process to head off lawsuits, said attorney Lochhead, the former head of the Colorado Department of Natural Resources.

"A lawsuit would kind of be like nuclear war. It would be the mother of all water lawsuits," Lochhead said. The fight would end up in the U.S. Supreme Court, cost hundreds of millions of dollars and probably take 15 to 20 years, he added.

On the Net:

Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lakes Powell and Mead:
www.usbr.gov/lc/region/programs/strategies.html

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Deseret Morning News, Sunday, May 20, 2007

Colorado's flow below average

PHOENIX (AP) — Water flow in the Colorado River will be below average for the seventh time in eight years for the current water year, according to a report from the U.S. Bureau of Reclamation.

The river is expected to produce just 68 percent of its normal flow from Oct. 1, 2006, through the end of September, said Tom Ryan, the bureau's chief hydrologist in Salt Lake City. The river has exceeded its historic average just once since 1999, when 105 percent of the normal flow was measured in 2005.

Runoff into Lake Powell along the Arizona-Utah border, where the river's flow is measured, is expected to be just half of normal from April through July. Those months typically have the highest flows because of mountain snowmelt.

April precipitation in the upper Colorado watershed was near normal, Ryan said, but it was too late to help the river after a dry winter. Warmer temperatures in the past few weeks raised river runoff, and Ryan said the river should soon reach its seasonal peak.

Lake Powell, now at 99.4 feet below capacity, is expected to rise another 6 feet before peaking for the summer.

Seven states and Mexico rely in part on water in the Colorado. Four states are in the upper basin — Colorado, Utah, Wyoming and New Mexico — and three draw water below Lake Powell — Arizona, California and Nevada.

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Utah tries to prevent a watery invasion

Non-native mussels pose a big concern

By Tom Wharton

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated:05/21/2007 12:29:21 AM MDT

When Ron Sayer launches his boat at a popular southern Utah reservoir such as Sand Hollow these days, he expects to be asked where else he has been boating. The reason?

Quagga mussels were found at nearby Lake Mead in Nevada last January and natural resources agencies throughout Utah and the rest of the western United States is scrambling to prevent their spread.

Because non-native mussels such as the quagga and its near-relative, the zebra mussel, can ruin sport fishing, clog drinking-water and power-plant intake pipes, foul boat facilities, ruin boat engines and litter beaches with sharp, smelly shells, their negative effects could cost governments and industry millions of dollars.

The mussels, natives of the Ukraine and the Caspian Sea, first appeared in the U.S. in 1988 at Lake St. Clair near Detroit and spread rapidly. They were likely introduced by barge or boat traffic in the Great Lakes and are moved from lake to lake by unwitting boaters.

That's why Sayer, an Alaskan who winters in St. George, where he spends a lot of time boating, gets asked about where he has been boating nearly every time he comes to a reservoir anywhere near Lake Mead.

Utah State Park managers and National Park Service officials no doubt hope all boaters will be as cooperative as Sayer when the busy summer season kicks off this week with the Memorial Day weekend. Boaters going to Lake Powell and most major Utah reservoirs will be queried to see if they have boated at Lake Mead, Lake Havasu or Mohave Lake.

"It is an important thing to protect the [natural] values we have here," Sayer said moments before launching in front of a sign emphasizing the importance of not moving mussels into Sand Hollow.

'Zap the Zebra'

Boaters whose crafts have not been used at Lakes Mead, Mohave or Havasu or waters east of the Rocky Mountains in the past 30 days, will be allowed to launch and given a certificate.

If boaters have visited those lakes, those who have washed their boats and trailers thoroughly and allowed them to completely dry for at least five days will be allowed to launch. If that hasn't been done, boaters will be required to get a professional decontamination.

Richard Droesbeke, who heads the boating education program for the Utah Division of Parks and Recreation, said registered boat owners will receive a brochure called "Zap the Zebra" in the mail explaining the process and its importance.

"We don't want to get them in our waters," he said. "We are doing things to prevent their spread. If one adult comes in, it could spread larvae and our water is infested. We don't want that to happen."

The threat has caught the attention of state and national officials who are struggling to find funding for a massive education and inspection program that could cost hundreds of thousands of dollars to implement.

This is especially true since a recent small sampling of boaters at Lake Mead showed that Utah waters such as Lake Powell, Pineview, Bear Lake, Willard Bay and Jordanelle are popular destinations for Lake Mead boaters.

Devastating impacts?

Jim Karpowitz, director of the Utah Division of Wildlife Resources, said his agency has already asked the Utah Legislature for a special appropriation to help with boater education programs, which might be the only way to stop the spread of the unwanted mussels.

Bryan Moore, a National Park Service biologist at Lake Mead, said the mussels are capable of filtering a liter of water each day and consume phytoplankton that sport and native fish rely on for food. They also change a reservoir's entire water chemistry. Mussels clean water so well that sunlight penetrates water deeper and produces more problems with algae.

The mussels also have no natural predators, though ducks and crayfish might consume them in small numbers. Because water from Lake Mead supplies

California, Nevada and Arizona residents, using poisons to kill them is not a viable option. There are also concerns about their effect on the future of Colorado River endangered species, such as the razorback sucker and humpback chub.

Since the invasion of water west of the Rocky Mountains is relatively new, biologists acknowledge that they don't have all the answers when it comes to what effect the mussels will have.

"We think fish will survive but we're not sure if numbers will decrease," said Moore. "The food web of the lake will change but, to what extent, we don't know. Maybe populations won't explode. But they have exploded everywhere else. There are dead zones in the Great Lakes."

One immediate result of the mussels at Lake Mead was that the Desert Princess tour boat sucked some into its intakes and overheated the motor, causing its engine to die on the lake. The mussels could cause substantial damage to boat engines and the generators and air conditioners used on big house boats.

Wayne Gustaveson, who has spent 31 years managing the fishery at Lake Powell, said the mussels have the potential to devastate both fishing and boating recreation at the huge reservoir.

"I have not found one good thing about the mussels," he said. "Usually there is something positive, but not in this case."

Utilities gird for battle

Municipal water districts and power companies are also paying close attention to the situation, and they too, are alarmed about the possible impacts a mussel invasion could have on their operations.

Corey Cram, watershed coordinator for the Washington County Water Conservancy District, just on the other side of the border from Lake Mead, said the mussels would hurt water quality in reservoirs such as Sand Hollow and Quail Creek that supply water to booming St. George - and could damage infrastructure and impact the ability to deliver water.

"It's hard to know the cost," he said. "There would be extensive maintenance costs and modified infrastructure. It would complicate our intake structures and there would be water treatment plant modifications. Any time you step into making changes to your water treatment plant, those are compounding factors. It's hard to anticipate what those costs would be, but it could have a big impact."

Power companies are also wary. Mike Avant of southern Utah's Garkane Energy, said the mussels would create havoc with intakes at hydroplants.

Jeff Hymas, of Rocky Mountain Power, which services much of the Wasatch Front, said that 6.7 percent of the electricity supply comes from hydropower, some of which is from northern Utah.

He said that while there are no signs of mussels yet, hydro managers are aware of the issue and are monitoring it closely.

Results of one study from 1995 showed that between 1988 and 1995, facilities spent \$69 million on mussel-related expenses on the Great Lakes. One paper company alone spent \$1.4 million to remove 400 cubic yards of zebra mussels from its intake valves, according to a 1997 U.S. Geologic Survey report.

Another Canadian report referred to on the mussel Web site www.100thmeridian.org showed that mussel infestations at eight hydropower facilities, 86 municipal plants and 67 industrial plants cost managers over \$172 million.

At Lake Mead, national park public affairs specialist Roxanne Dey said water intakes designed to prevent mussels from getting into pipes delivering water are in place. She said power managers at Hoover Dam were not too concerned about the mussels' impact yet.

Only a matter of time?

Because the mussels have moved so close to Utah, is there a feeling that it is just a matter of time before they begin to infest waters here?

DWR director Karpowitz said Minnesota, near the Great Lakes with thousands of lakes, used an aggressive boater education plan successfully.

"They may well show up," he said. "We want to be ready to contain them if they do show up and limit their spread. But that is tough to do. A little water in the bilge or anchor compartment and they travel with you."

Thus, while state and federal agencies work diligently to keep mussels from moving into Utah, the reality remains that they may reach the state - and those who run and administer fisheries, water quality, recreation, water delivery systems and hydraulic power companies are all concerned about what that might mean.

The only hope officials have is that the West's reservoirs, with their dramatic drops and increases in water depth - conditions far different from the Great Lakes - might inhibit infestations. But, at this point, no one knows what the future holds.

One thing is for sure, though: Biologists from around the West - including many in Utah - will be watching Lake Mead closely for the next few years.

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Deseret Morning News, Thursday, May 17, 2007

Orem gardens conserving water

By Sara Israelsen
Deseret Morning News

OREM — Pink, purple and yellow flowers nestled among dark brown mulch in Orem's new Central Utah Gardens are evidence that water-friendly yards don't have to be ugly.

"When it comes to water-efficient landscaping it may be that there are a lot of people who are apprehensive to try it," said Megan Guenter, conservation horticulturist. "The best way to teach them is to show them."

Located at 355 W. University Parkway, the Central Utah Water Conservancy District Garden encourages visitors to wander through 2.5 acres of globe Siberian pea shrub, dragon's blood sedum and swan yellow columbine — just some of the colorful plants that flaunt their water-saving traits.

The \$1.3 million garden's motto is "Conserving Water Through Education," seen through plant labels and posted informational signs about planting trees and dealing with pests.

An outdoor amphitheater will host classes and group tours, but the favorite feature is the interactive sprinkler display, Guenter said.

With the push of a button, different sprinklers pop out of a fake lawn and spray for a few seconds, allowing people to see which method is best for which landscaping.

"Some people think water-wise landscape looks like gravel and cactus," Guenter said. "That's not exactly what it is — it can be quite diverse."

Wandering through the garden is free, as are the plant lists and conservation tip sheets at the entrance.

City leaders and officials from the Central Utah Water Conservancy District dedicated the garden Wednesday afternoon, and the garden will open today at 8 a.m.

Summer hours are 8 a.m. to 8 p.m., and the staff encourages residents to attend weekly guided tours, as well as classes ranging from handling the Japanese beetle to planting water-efficient perennials.

Information on classes can be found by calling 801-222-0123, or on the Web site: www.centralutahgardens.org.



Guests gather at the Central Utah Water Conservancy District Garden's ribbon-cutting in Orem.

Stuart Johnson, Deseret Morning News

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Deseret Morning News, Thursday, May 17, 2007

Dry winter unlikely to hurt farms, but next year is another story

By Josh Loftin

Deseret Morning News

Boaters on Bear Lake may see their best water of the summer during the Memorial Day weekend, although the lake will begin to drop after that, along with most of the other reservoirs in the state, according to a snowpack report presented to legislators Wednesday.

The only "saving grace" for this summer's water availability is the current healthy levels of many reservoirs, said Randy Julander, the snow-survey supervisor with the U.S. Natural Resources Conservation Service in Salt Lake City.

Statewide, reservoirs are 65 percent full, Julander said during a report to the Natural Resources Interim Committee. Even better, many of the major reservoirs and lakes in northern Utah are pretty much full. That means that agricultural production will probably not suffer this year, but the state will not be able to recover as readily from another dry winter next year.

The biggest problem is that there is very little water left in the mountains to maintain those levels. The Bear and Provo River basins are "days away" from having all of their snow melted. The Virgin, Escalante, Dirty Devil and Tooele-Vernon River basins are all essentially finished with snow melt.

The only river basin with a snowpack of higher than 50 percent of average is the Beaver River basin in southwestern Utah.

Another problem is that the warm temperatures throughout the spring did not keep the soils properly saturated, so more of the melting snow has absorbed into the soil instead of becoming run-off.

"At a time when we should be melting snow and moisturizing soil, we are already dry," Julander said. "This means it is going to be an extremely dry summer."

If the trends continue, he predicted that it would mean drought conditions this summer that rival or exceed the conditions during 2004. That year was the last of a six-year drought period, which ended with two spectacular water years in 2005 and 2006.

"It appears we are now going back into a drought," he said. "And we not just going into it, we are going into it with a vengeance."

Stream flows will also be a problem, as many of the state's primary rivers could be operating well below their average capacity. The hardest hit will be in the southern portion of the state, especially the Virgin River.

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Deseret Morning News, Wednesday, May 16, 2007

Web to offer tips on conserving water

Lt. Gov. Gary Herbert knows the day and age in which we live. Rather than posting fliers, delivering speeches or making phone calls to encourage Utahns to reduce their water use, he uses the power of the Internet.

Slowtheflow.org will offer pointers on water conservation through video postings.

"About 60 percent of Utah's culinary water is used outdoors," said Herbert, "so one of the most significant ways we can conserve water is by reducing the amount of water we use on our lawns and gardens."

By 2050 the Governor's Water Conservation Team hopes to reduce per capita water use by at least 25 percent. Water conservation is an urgent matter due to low snowpack and precipitation levels this year.

Dennis Strong, director of the Utah Division of Water Resources, identified video postings as a "unique way to remind people of the importance of water conservation and to teach them how to change their own behaviors."

The first video posting will be available shortly at www.slowtheflow.org.

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Article published May 15, 2007
Iron County OKs water plan
By RYANN RASMUSSEN
rrasmussen@thespectrum.com

PAROWAN - One victory down, one more to go.

After gaining full support from the Iron County Commission on Monday, the Escalante Valley Water Users Association will present its plan for groundwater management to Utah State Engineer Jerry Olds today. The association, which consists of farmers and ranchers in the Beryl Junction area, developed its own conservation plan in response to Olds' remedy for over-appropriated water rights in Escalante Valley. Some farmers believe the state's water plan would've had a negative impact on their means of livelihood. Others believe some farms would've been lost.

"We have determined that we want to be proactive in this approach to develop a water management plan," association administrator LaDel Laub said during Monday's meeting. "(Our) plan satisfies an attempt to work toward a safe yield, and it considers economic impact."

The commissioners unanimously agreed to a resolution supporting the association's plan and commended the organization for its desire to compromise.

Commissioner Wayne Smith said although he thinks the state should be responsible for any retired water rights, he was impressed by the way the association took action.

"I think you're very generous to (compromise) here," he said.

The association's plan, Laub said, has two parts. First, the members have agreed to reduce usage by 20 percent over the next 10 years, he said. Second, the plan includes a way to compensate members who voluntarily give up water shares. Laub stressed the importance of taking steps over time to satisfy the state and the association concerning water.

Also during the meeting, the commission heard two requests for prairie dog takes. The first request came from a company trying to develop a subdivision north of Spirit Fitness in Cedar City. In this case, the prairie dog removal would be permanent. Because the company wasn't on the official list of prairie dog requests and the county is running low on the number of dogs it can allow, the commission wasn't able to approve the take. However, Smith scheduled a meeting with the Department of Wildlife Resources and the developer for Wednesday to discuss the matter.

"The thing is we can't give what we don't have," Smith said.

The commission voted to approve the second, non-permanent take request contingent on whether the DWR allows it. That issue also will be discussed during Wednesday's meeting.

In other business, the commission voted to make changes to the general plan. As a result, some areas of the county will change from tier II to tier IV and vice versa. County Planner Reed Erickson said the change is an effort to better accommodate the municipalities in the county and how they zone their land. For example, Erickson said, if someone wanted to build a subdivision and the area was appropriately zoned by the city, the project may not be able to go through if the area isn't in the correct tier under the county.

Erickson said the change has been recommended by the Planning & Zoning Commission, and a public hearing has been conducted.

Draper subdivision

Water leak loss revised upward

Land movement a bigger fear than the cost of the millions of wasted gallons from pipe

By Steve Gehrke

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated:05/12/2007 01:32:20 AM MDT

DRAPER - Two separate city studies show as many as 17 million gallons leaked from a SunCrest waterline between Feb. 6 and April 6 - two million more than originally thought.

The water breached from a faulty air-vacuum valve on a 1-inch water line within Hamlet Homes' Stoneleigh Heights subdivision. Those valves are designed to let air out of the pipe and then close again to seal the water inside. But for two months, the valve stayed open, allowing water to escape, said Draper's public works director, David Decker.

Draper has not put a price tag on the loss, but water in the leak area costs \$2.79 per thousand gallons. That would put the total at just less than \$50,000. And while it is still unclear who will write that check, City Council members have indicated they would likely hold SunCrest responsible.

A representative of Hamlet Homes could not be reached Friday for comment.

The leak occurred at the end of a small dead-end road designed for fire-truck turnarounds. But the water seeped into the earth, traveled down an embankment and surfaced in a road cut at SunCrest Drive.

That worries Draper officials, who have kept close watch over the hillside development built atop a slew of ancient landslides. They fear water could reactivate the former slide areas, endangering the infrastructure and hundreds of homes.

"My main concern wasn't the quantity of water lost," said Councilman Bill Colbert. "It was the potential damage to the hillside, the road and infrastructure . . . But that road is damaged, whether it's from [the leak] or other factors."

The city sent a letter to SunCrest and Hamlet Homes, requesting that consultants study the soil to determine if the ground moved or was otherwise damaged by the leak.

Decker said city officials originally noticed the leakage and notified Hamlet Homes. The developers immediately replaced the valve because the waterline was still under their 18-month improvement warranty, Decker said.

The leak took two months to spot because officials could not distinguish the leaky culinary water from normal winter runoff caused by melting snow.

The water tank that feeds the Stoneleigh Heights subdivision is one of three such tanks in the entire SunCrest development. It holds just 1.5 million gallons, not 15 million as originally reported. But that tank emptied and refilled several times. As the water moves out of the tank, pumps refill it by pushing water up Traverse Ridge Road from the Jordan Valley.

Decker said the leak is not as unusual as it might sound.

"There are leaks up and down the Wasatch Front every day," he said. "I think you have to put it in perspective . . . it's one of the facts of running a water system."

Draper City has installed a new data system, called SCADA, that monitors water usage and could detect similar leaks in the future.

Meanwhile, Colbert said he hopes the issue leads to some good.

"This shows we need residents to be observant and watchful in the future so we can prevent potential loss of infrastructure or risk to property," he said. "I hope there's something to be gained from this that's more than the water we lost."

sgehrke@sltrib.com

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Boulder, Utah

Town wrestles change to protect heritage

Residents are serious about preserving ranches and water rights amid development pressures

By Judy Fahys

The Salt Lake Tribune

Salt Lake Tribune

Article Last Updated:05/14/2007 09:46:28 AM MDT

BOULDER - Stephanie Flake can see from the front porch of the old Redwing Ranch homestead the three apple trees her parents planted by the fence back in the 1960s, when they were newlywed Brigham Young University students.

It's a place where, for decades, her family has gathered in the fall to press tart, sweet cider. It's a place that almost turned into a subdivision after her grandfather died a few years ago.

A neighboring landowner who heard about the proposal for "ranchettes" came to the rescue, though. He bought all 276 acres, then turned around and sold a conservation easement to the ranch so that it can remain a ranch forever.

"It's a very special place," said Flake, gazing over the vast carpet of spring grass. "This was really a refuge for me and my siblings. It's sacred ground. To see it be developed, it would have broken my heart."

Few people in town would disagree with her. Protecting the ranches and the vast expanses of wild land around it is something Boulderites, as townspeople call themselves, generally agree on, whether they're old-timers or new.

They openly discuss how they want the place to stay the same - to hold on to its enchanting, end-of-the-Earth character - even as change plods up Highway 12 and settles in.

So it might not be a surprise that the recent transformation of the Redwing Ranch into the new Boulder Creek Canyon Ranch stirred up the community's uneasiness with change. Even change that helps protect the status quo.

One time, tepee-dwelling hippies caused an uproar. Another, it was the camp for troubled kids. The battle over allowing a liquor license went on nearly a decade. Then, a month ago, a flap arose over the ranch easement, what it meant for local water and the community's control of its own destiny.

John Austin got involved when he heard a gated community might sprout next door.

He had spent part of every year in Boulder since he was 16, when his family bought a cottage "downtown" on Highway 12 and next door to the Flakes' ranch. He would ride, hunt, fish, hike and - when he could - work for local ranchers.

"I wish I could assure that my old friends and their offspring would be in Boulder forever, but the economics have changed and so has the world," says Austin, 62, an Oakland, Calif., health-care executive.

As visitors have gawked over Hell's Backbone along one of the nation's most famous scenic highways, Boulder has been "discovered" and land prices have shot up. That means newer-generation Boulderites often find it more sensible to sell family land for ranchettes than to ranch it.

Austin and his wife, Jacqui Smalley, took a second mortgage on their California home to buy the neighboring ranch before it could be subdivided. They began talking with Utah Open Lands and the Nature Conservancy about a conservation easement.

The final cost? Nearly \$2 million, arranged by the Nature Conservancy of Utah, which wants to protect Boulder Mountain's largest watershed and those who depend on it, ranchers included.

Now the state and federal governments hold the deed. Flake is allowed to live in the old house, and the Nature Conservancy, the nation's largest land trust, is raising money to keep the ranch running.

The contract bars development on the ranch. It also requires the mile of Boulder Creek that runs through the ranch to be treated like the vital resource it is.

"The result is a permanent, protected ranch and a preservation of ranching in the valley," says Austin. "No one can guarantee that people won't move away or that ranches can be profitable, but we can assure that the opportunity to ranch will remain."

Boulder Mayor Bill Muse applauds how things turned out on Boulder Creek. A semi-retired racehorse trainer from Heber City, he says putting a ranch into a trust is a personal choice, a choice not right for everyone, including himself.

"That comes down to the individual," he says.

"Our stocks and our bonds are our ranches and our water and our grounds."

Muse's town has about 250 residents, every one of whom depends on the local water company, of which he serves as president. To him, the Nature Conservancy inadvertently triggered the latest upset by naming its recent effort "The Boulder Watershed Project."

"We want to know what that means," he says. "When you mention water, what is your intention? Don't mess with our water."

The town has fought for years to stop more of Boulder Creek from being diverted to fish and wildlife, he said. To him and other ranchers, it's clear if that happened, local irrigators would suffer and the hydroelectric plant that serves the community would need to be subsidized by more than \$500,000 in coal-fired power a year.

Watermaster Loch Wade challenged the Nature Conservancy plans, fearful they might interfere with ranch allocations. Some people assailed him verbally and even threatened him physically.

Then Muse invited him and the conservation group, the largest land trust in the nation, to speak with the Town Council last month.

Wade says he feels more comfortable since the Nature Conservancy has publicly assured Boulder that the easements are not a water grab in disguise.

"I'm still not convinced," he says. "But I'm going to believe the best and keep my eyes open at the same time."

Amanda Smith, who helped craft the Boulder Creek Canyon deal for the Nature Conservancy, says water is key to conserving Boulder's important agricultural and biological resources.

"We're not going to be for a solution that puts people out of business to get water for species."

Back at the ranch, things barely look like they've changed in the century the town has been settled. Gracing the fertile, green valley floor are two 100-year-old barns, one for the growing herd of *criollo* horses Austin has imported from Chile and one for the organic beef cattle now being raised there.

Abbe Rae Sparks, 26, the horse manager, points to the bald eagle nest as she leads the animals into the canyon for exercise. She points to the faint "Moqui" steps worn into the sandstone canyon walls where ancient Indians scrambled up and down.

A longtime English-style competition rider, Sparks is excited about being part of an experiment that weaves together the heritage of the Mormon pioneers who established the town, the Buddhists who run the posh resort and the organic restaurant "downtown," and everyone in between.

"I feel quite honored to be working at the ranch," Sparks says, wearing a rasta cap and down vest. "It's a special place in itself."

Sean Outzen, 30, the cattle manager, is a journeyman blacksmith who misses the days when he had time to ride rodeo broncs. He has managed a herd five times as big back in his hometown of Monroe, in Sevier County.

"I was laughed at coming up here to work organic," says Outzen, who believes organic ranching may be the best way for small ranchers to survive in the current environment and, with a bit of luck and lots of hard work, to thrive.

"I'm no hippie up here smokin' dope and sayin' I hope those cows grow," he says. "If I wasn't making a profit, I might as well drive a potato chip truck."

In the end, everyone wants Boulder to stay Boulder, as one resident puts it.

Says Austin, "We're all trying to do the right thing."

fahys@sltrib.com

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deseretnews.com

Deseret Morning News, Thursday, July 05, 2007

High levels of nitrate seen where fish died

Associated Press

High levels of nitrate were found in Parleys Creek, where hundreds of cutthroat trout died last week.

"I hope I can say that is the culprit," said Mike Slater, an aquatic biologist at the Utah Division of Wildlife Resources. "How and where and what produced those high levels, I do not know."

The nitrate level in the creek at Parleys Nature Park was 1.66 milligrams per liter on June 26, double the highest level in the past, according to a sample collected by the city.

"It was very unusual to get readings that high," said Florence Reynolds, a water-quality manager.

More than 400 dead trout were discovered that same day. The source of nitrate was not known.

"You can get nitrates from fertilizers. That's the first thing that pops into my mind," Reynolds said. "I don't know what other kinds of material would have a heavy enough nitrate level to show up like that."

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AGENDA ITEM 9

LETTERS



State of Utah

Department of
Environmental Quality

Richard W. Sprott
Executive Director

DIVISION OF DRINKING WATER
Kenneth H. Bousfield, P.E.
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

June 25, 2007

Robbie Roberts
Regional Administrator
U.S. EPA Region VIII
1595 Wynkoop Street
Denver, Colorado 80202-1129

Dear Mr. Roberts:

Subject: DEQ/EPA 2007 Senior Management Mid-Year

I am writing this letter in response to your June 11, 2007 request made at the DEQ/ EPA Senior Management Mid-Year meeting. In that meeting, you requested that I write to you regarding the issues I raised during that meeting covering: 1) enabling automated "return to compliance" records that could be uploaded into the federal database, and 2) placing an additional requirement on "Certified" laboratories compelling them to report compliance data to the state primacy agency. The following discussion provides details concerning these two issues.

Automated return to compliance: EPA's drinking water program and the states have jointly participated in the development and on-going enhancement of a software program known as SDWIS (State Drinking Water Information System). In addition to assisting states in the implementation of the Federal Safe Drinking Water Act, it also facilitates a requirement imposed on states, by EPA, to report data to the federal database. States, in using this tool, input information into SDWIS and the database makes compliance decisions which the states use when dealing with regulated water utilities. Currently, when the database determines non-compliance with rules, the states work with utilities to bring them back into compliance.

When a water system has returned to compliance, state staff then has to: a) recognize that an RTC condition exists (a less than intuitive task as, in Utah, there are 962 water systems, over 100,000 analytical results, coving 12 different rules involving 84 contaminants), b) enter a new RTC record into SDWIS and c) associate that RTC record to all specific violations that contributed to the system's non-compliance status for which the RTC record applies. Because of the following factors: a) more than 80% of all violations involve monitoring, b) states enter all monitoring results, c) the database currently keeps track of monitoring requirements on a system by system

basis, and d) the database creates, automatically, the violation records; it would seem a logical next step to have SDWIS create, automatically, the return to compliance (RTC) records. By enabling automated RTC more staff time could be devoted to productive work with water utilities rather than doing non-productive work of: trolling for RTC candidates, entering RTC records into the database and associating them with violations.

I think this is an easy fix, and would significantly reduce the burden of humans doing things which machines could do much better, faster, and more accurately. It would also enable EPA to give a more accurate picture of drinking water compliance in national reports. For this reason, I request your support in suggesting that this enhancement be made to SDWIS. Of note, I will likewise use the avenue available to me, via ASDWA, to promote the same thing.

Compelling certified laboratories to report data: An essential part of the federal drinking water program is the laboratory certification program. This program sets standards, by regulation, that are applicable to laboratories performing analytical services. These regulations cover such issues as: analytical methods, detection levels, laboratory personnel requirements etc. Since there is a regulatory structure already in place, it would seem an easy matter to add a provision that would require all certified laboratories to report analytical results of drinking water compliance samples to the appropriate primacy agency. If this requirement were in place, states would get a more complete set of complying as well as non complying data which is needful to meet the goals of the Federal Safe Drinking Water Act. I, therefore, request your assistance in recommending this enhancement to the federal regulations.

I thank you for the opportunity to submit these comments, and appreciate your support. If you have any questions concerning any of the matters I've discussed, please feel free to contact me at (801) 536-4207.

Sincerely,



Kenneth H. Bousfield P.E.
Director

khb:lm

cc: Debbie Thomas, EPA
Jack Rychecky, EPA
Jack Theis, EPA
Diane Sipes, EPA
Kathleen Brainich, EPA
Rick Sprott, Director, DEQ
Jim Taft, ASDWA



State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF DRINKING WATER
Kenneth H. Bousfield, P.E.
Director

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Dianne R. Nielson, Ph.D.
Petra Rust
Ron Thompson
Kenneth H. Bousfield, P.E.
Executive Secretary

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

May 31, 2007

BOARD MEMBERS

A LIST OF WHO RECEIVED THIS LETTER IS ATTACHED
FOR YOUR INFORMATION IN THE JULY 13, 2007
BOARD MEETING PACKET

Dear:

Subject: Body Politic Rule Comments offered at the May 11, 2007
Drinking Water Board meeting

I am sending this letter, first, to thank you for your participation at the Drinking Water Board meeting where the proposal to require water systems to become affiliated with a body politic was discussed, and, secondly, to inform you of the status and intent of the Drinking Water Board relative to this issue.

Anne Erickson, Chair of the Drinking Water Board, has sent an e-mail to the Drinking Water Board members requesting that they give due consideration to the comments received in connection with the Drinking Water Board meeting on May 11, 2007. Specifically, she has requested that: 1) the board consider the relative numbers of publicly-owned and privately-owned water systems and their respective compliance rates as provided to them by Division staff, 2) the Board consider the relationship which the Board and the Division has with existing privately-owned water utilities and how Board decisions might effect that relationship, 3) the Board consider the difficulties that private entities may have in petitioning a county commission to create a body politic, and 4) the Board wait for a determination from the State Attorney General's office on legal questions raised at the hearing.

Given the above issues and directions, Chair Erickson and I agree that the Division of Drinking Water staff should re-propose changes to Rule R309-100 and present those changes to the Board for their consideration. If the Board decides to move forward, changes would be submitted for public comment before commencing with the formal rule-making process.

Note that this plan on how we're going to proceed is lengthy and involves both an informal and a formal process. The informal process includes notification of proposed language changes and an invitation to offer comment. After the Board's consideration of the comments, the formal rule-making process could follow. The formal process includes the following: 1) the Drinking Water Board would, at their regularly scheduled meeting, direct staff to file a proposed rule with the State Division of Administrative Rules, and include in the notice an announcement the details of a formal public hearing, 2) the Board's staff would submit the necessary documents with the Division of Administrative Rules, 3) a comment period would occur where written comments could be submitted and a formal public hearing would be conducted where written and oral comments could be received, and 4) the Board would review the comments received in this formal process and either direct staff to: a) finalize the rule as initially proposed or b) direct staff to make changes and start the process over with the changed wording.

Hopefully, the foregoing gives you a status report and future intentions of the Board and the Division. If you have any questions, please give me a call at (801) 536-4200.

Sincerely,

DRINKING WATER BOARD

Kenneth H. Bousfield, P.E.
Executive Secretary

khb

Who Received the Body Politic Letter List for the Board

Paul Fulgham, Rural Water Association of Utah
David Hartvigsen, Smith Hartvigsen LLC
Dale Pierson, Rural Water Association of Utah
John Flitt, Attorney
Rick Hafen, Attorney
John Flint, Summit Water
Anne Erickson, Chair, Drinking Water Board
Myron Bateman, Vice Chair, Drinking Water Board
Dianne Nielson, Drinking Water Board
Jay Franson, Drinking Water Board
Helen Graber, Drinking Water Board
Laurie McNeill, Drinking Water Board
Ken Bassett, Drinking Water Board
Daniel Fleming, Drinking Water Board
Ronald Thompson, Drinking Water Board
Petra Rust, Drinking Water Board
Paul Hansen, Drinking Water Board
David Ariotti, District Engineer
Randy Taylor, P.E., District Engineer
Scott Hacking, P.E., District Engineer
John Chartier, P.E., District Engineer
Roger Foisy, P.E., District Engineer
Rod Cosslett, Env. Director, Southwest District Health Department
Joel Hoyt, Env. Director, Bear River Health Department
Terry Beebe, Env. Director, Utah County Health Department
Royal Delegege, Env. Director, Salt Lake Valley Health Department
Joseph Decaria, Env. Director, Wasatch County Health Department
Joseph Shaffer, Env. Director, Tricounty Health Department
Bruce Costa, Env. Director, Central Utah District Health Department
Jeff Coombs, Env. Director, Tooele County Health Department
Delane McGarvey, Env. Director, Davis County Health Department
Claron Bjork, Env. Director, Southeastern Utah District Health Department
Robert Swensen, Env. Director, Summit County Health Department
George Grover, Holliday Water Company
Marlin Sundberg, Holliday Water Company
Bob Wood, Richland
J. Craig Smith, Smith Hartvigsen
John Hawkins, Silver Spurs Water
Scott Wilson, Central Iron County WID
Mike Goodman, Mt. Tabby Improvement
Christopher Robinson, Oquirrh Mountain Water
Fred Nelson, Attorney General's Office
Gerald Meyers, Mt. Tabby Improvement
Paul Ashton, Holliday Water Company
Randy Cassidy, Oquirrh Mountain Water



State of Utah

Department of
Environmental Quality

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Executive Director

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Petra Rust
Ron Thompson
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ION M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

May 14, 2007

Steve Pentz, President
Croydon Pipeline Company
1885 North 6800 East
Croydon, UT 84018

Dear Mr. Pentz:


Subject: Federal SRF Loan De-Authorization (SRF Loan # 3F037)

On August 13, 2004 the Drinking Water Board (hereinafter called the "Board") authorized a loan of \$327,000.00 to Croydon Pipeline Company, Croydon, Utah (hereinafter called the "Applicant") for the construction of drinking water system improvements (hereinafter called the "Project"). On May 11, 2007, the Drinking Water Board de-authorized the construction loan of \$327,000.00 to Croydon Pipeline so the money may be used for projects that are prepared to move forward. Please be aware that this action does not prejudice against any requests for financial assistance in the future once a detailed plan is finalized.

If you have any questions concerning this amendment or the loan requirements, please contact Julie Cobleigh, of my staff at (801) 536-4197.

Sincerely,

DRINKING WATER BOARD


Kenneth E. Wilde, P.E.
Assistant Executive Secretary

KEW:hb

CC: William Prater, Esq., William L. Prater, LLC, P.O. Box 71368, Salt Lake City, UT 84171

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State of Utah

Department of Environmental Quality

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Ron Thompson
Kenneth H. Bousfield, P.E.
Executive Secretary

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

May 14, 2007

The Honorable Larry Howell
Mayor of Portage Town
25880 North 9000 West
Portage, Utah 84331

Dear Mayor Wadman:

Subject: Amendment to the Federal SRF Loan Authorization (3F057)

On September 9, 2005, the Drinking Water Board (hereinafter called the "Board") authorized a **loan of \$546,000** to Town of Portage (hereinafter called the "Applicant") and a **grant of \$544,500** for the developing Upper Spring with construction of a new 0.5 Mgal storage tank and installation of 12,000 feet of distribution line. (hereinafter called the "Project"). The loan authorization will expire on September 9, 2006. In a letter dated June 23, 2006, the Applicant requested a time extension for loan closing. On July 14, 2006, the Board authorized an additional 360 day time extension of the loan authorization letter with a new expiration date of July 9, 2007. On May 11, 2007, the Drinking Water Board amended the authorization to a **loan of \$611,000** to the Town of Portage and a **grant of \$610,500**.

The loan from the Board will be secured by General Obligation bond(s), Non-voted Water Revenue bond(s), or a combination thereof; issued by the Applicant as incremental disbursement bond(s) (hereinafter referred to as Bonds) disbursed on a monthly or quarterly basis. The Board has determined the retirement period for the Bonds to be no more than **twenty five (25)** years, with interest and a hardship grant assessment payable on the unpaid principal from the date of each advance of loan funds. The annual **Interest Rate is 2.12%** and the annual Hardship Grant Assessment is zero percent (0%). The Board will require annual principal payments on the Bonds, plus interest assessments. Enclosed is the proposed bond repayment schedule (Attachment #1). If a revenue bond is used, a reserve fund equal to this annual amount must be established by no more than ten equal annual deposits.

Larry Howell
Page 2
May 14, 2007

If you have any questions concerning this amendment or the loan requirements, please contact Julie Cobleigh, of my staff at (801) 536-4197.

Sincerely,

DRINKING WATER BOARD



Kenneth E. Wilde, P.E.
Assistant Executive Secretary

KEW:hb

CC: William Prater, Esq., William L. Prater, LLC, P.O. Box 71368, Salt Lake City, UT 84171
Eric Johnson, Smith Hartvigsen PLLC, 215 S state St, ste. 650, SLC, 84111
Scott Archibald, Sunrise Engineering Inc., 12227 S Business Park Dr ste. 220, Draper, 84020

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PORTAGE

PROPOSED BOND REPAYMENT SCHEDULE

50% loan 50% grant

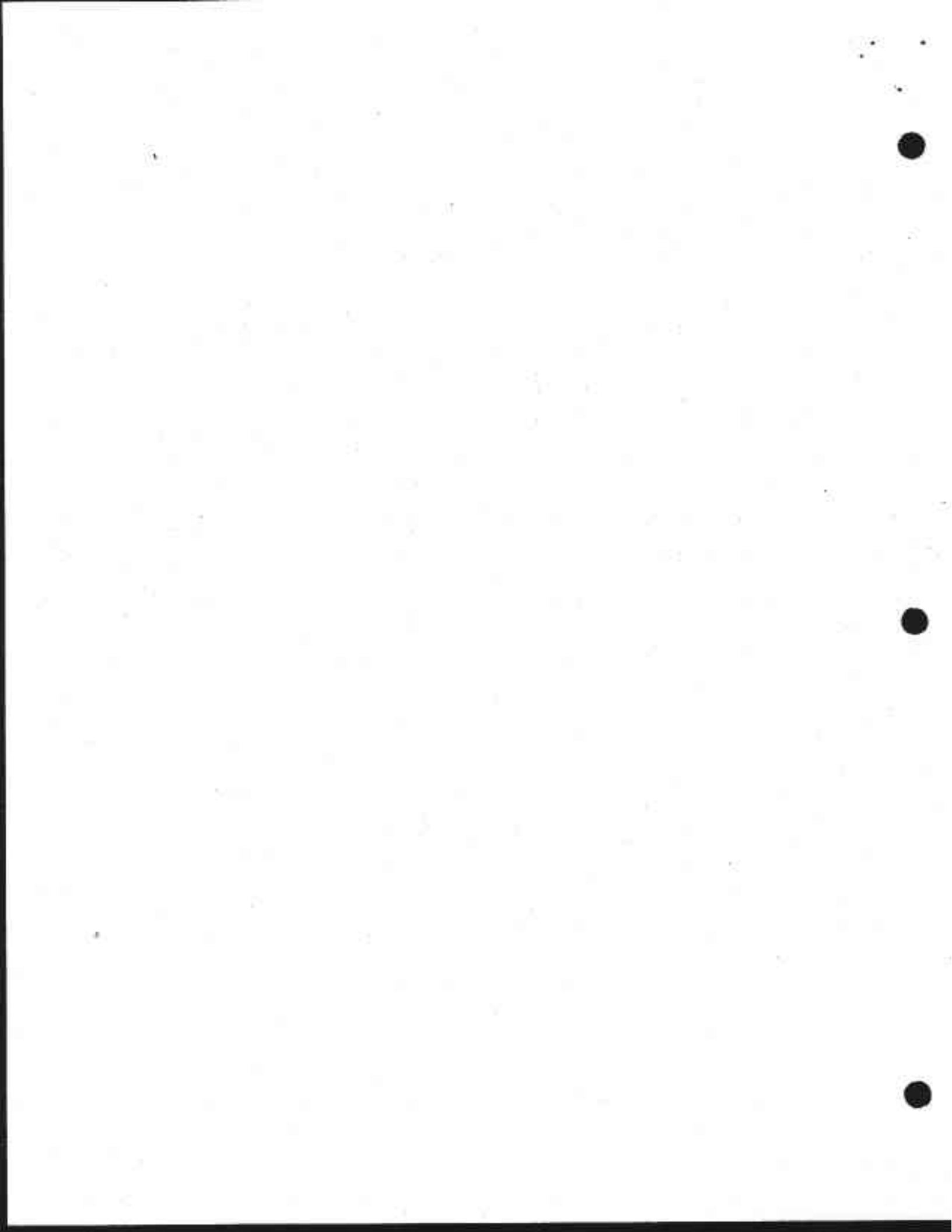
PRINCIPAL \$611,000.00
INTEREST 2.12%
TERM 25
NOMIN. PAYMENT \$31,738.30

ANTICIPATED CLOSING DATE
P&I PAYMT DUE
REVENUE BOND
PRINC PREPAID:

24-May-07
01-Jan-09
\$0.00

YEAR	BEGINNING BALANCE	DATE OF PAYMENT	PAYMENT	PRINCIPAL	INTEREST	ENDING BALANCE	PAYM NO.
2008	\$611,000.00		\$12,953.20	\$0.00	\$12,953.20	\$611,000.00	0
2009	\$611,000.00		\$21,953.20	\$9,000.00	\$12,953.20	\$602,000.00	1
2010	\$602,000.00		\$22,762.40	\$10,000.00	\$12,762.40	\$592,000.00	2
2011	\$592,000.00		\$23,550.40	\$11,000.00	\$12,550.40	\$581,000.00	3
2012	\$581,000.00		\$25,317.20	\$13,000.00	\$12,317.20	\$568,000.00	4
2013	\$568,000.00		\$26,041.60	\$14,000.00	\$12,041.60	\$554,000.00	5
2014	\$554,000.00		\$26,744.80	\$15,000.00	\$11,744.80	\$539,000.00	6
2015	\$539,000.00		\$27,426.80	\$16,000.00	\$11,426.80	\$523,000.00	7
2016	\$523,000.00		\$28,087.60	\$17,000.00	\$11,087.60	\$506,000.00	8
2017	\$506,000.00		\$28,727.20	\$18,000.00	\$10,727.20	\$488,000.00	9
2018	\$488,000.00		\$30,345.60	\$20,000.00	\$10,345.60	\$468,000.00	10
2019	\$468,000.00		\$30,921.60	\$21,000.00	\$9,921.60	\$447,000.00	11
2020	\$447,000.00		\$32,476.40	\$23,000.00	\$9,476.40	\$424,000.00	12
2021	\$424,000.00		\$32,988.80	\$24,000.00	\$8,988.80	\$400,000.00	13
2022	\$400,000.00		\$33,480.00	\$25,000.00	\$8,480.00	\$375,000.00	14
2023	\$375,000.00		\$33,950.00	\$26,000.00	\$7,950.00	\$348,000.00	15
2024	\$349,000.00		\$35,398.80	\$28,000.00	\$7,398.80	\$321,000.00	16
2025	\$321,000.00		\$35,805.20	\$29,000.00	\$6,805.20	\$292,000.00	17
2026	\$292,000.00		\$37,190.40	\$31,000.00	\$6,190.40	\$261,000.00	18
2027	\$261,000.00		\$38,533.20	\$33,000.00	\$5,533.20	\$228,000.00	19
2028	\$228,000.00		\$38,833.60	\$34,000.00	\$4,833.60	\$194,000.00	20
2029	\$194,000.00		\$40,112.80	\$36,000.00	\$4,112.80	\$158,000.00	21
2030	\$158,000.00		\$41,349.60	\$38,000.00	\$3,349.60	\$120,000.00	22
2031	\$120,000.00		\$40,544.00	\$38,000.00	\$2,544.00	\$82,000.00	23
2032	\$82,000.00		\$41,738.40	\$40,000.00	\$1,738.40	\$42,000.00	24
2033	\$42,000.00		\$42,890.40	\$42,000.00	\$890.40	\$0.00	25
			\$623,488.00	\$611,000.00	\$219,123.20		

*Interest Only Payment





State of Utah

Department of
Environmental Quality

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GARY HERBERT
Lieutenant Governor

May 14, 2007

Larry Brough
City Manager
Enoch City
900 East Midvalley Road
Enoch City, Utah 84720

Dear Mr. Brough:

Subject: Planning Loan Agreement.

On May 11, 2007, the Drinking Water Board authorized a planning loan of \$36,000 to Enoch City to partially fund a proposed water study.

Please review the enclosed planning loan agreement between the City and the Drinking Water Board.

If you have any changes that you would like to see in the document you may mark-up the proposed agreement and return it to our office. If not, please fill in any blanks such as dates and Tax ID #, and sign in the spaces so indicated. Please include a project description and scope of work as part of the planning loan agreement.

Enclosed you will also find a copy of a State Treasurer's (PTIF) Escrow Account Agreement. This is an easy way to establish the supervised account mentioned in the agreement. Please review it, sign & date it, and submit it with exhibits B-1, 2 & 3 of the escrow agreement authorizing the Division to release you the money.

If you have any questions please contact Rich Peterson or myself at 536-4200.

Sincerely,

Kenneth E. Wilde, P.E.
Assistant Executive Secretary

LRP

Enclosures

Cc Rod Mills, Nolte Engineering, 1870 North Main St, Cedar City, UT 84720
William Prater, 6925 Union Park Center, ste 265, Midvale, 84047



State of Utah

Department of Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF DRINKING WATER
Kenneth H. Bousfield, P.E.
Director

Drinking Water Board
Anne Erickson, Ed.D., *Chair*
Myron Bateman, *Vice-Chair*
Ken Bassett
Daniel Fleming
Jay Franson, P.E.
Helen Graber, Ph.D.
Paul Hansen, P.E.
Laurie McNeill, Ph.D.
Dianne R. Nielson, Ph.D.
Petra Rust
Ron Thompson
Kenneth H. Bousfield, P.E.
Executive Secretary

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

May 15, 2007

Ken Castles
Hoover's Café
Marysvale Canyon
Marysvale, Utah 84750

Dear Mr. Castles:

Subject: Regional Water System Concept

We understand from Roger Foisy, P.E., District Engineer in Richfield, that you have requested this letter expressing the policy of the Division of Drinking Water to encourage the combination of smaller public water system into a single, larger water system. Our experience demonstrates that the cost of drinking water service is typically less per unit of service in larger systems than it is in smaller systems. When one considers the cost of a certified operator for every public water system and the cost of required bacteriological and chemical sampling, analysis and reporting, it appears to be much more efficient and effective for small systems to join forces. Our experience also indicates that, generally speaking, smaller water systems are typically more likely to be out of compliance with State Drinking Water Rules.

For some time the Drinking Water Board has given special consideration to small systems that combine and minimize the compliance and enforcement related issues that the State may have to deal with and effectively minimize their own expenses and involvement.

We understand that you are proposing that Sevier and Piute Counties allow a Special Service District that could include water systems in both Counties; i.e., Big Rock Candy Mountain Resort, Hoover's Café, the UDOT Rest Area, several subdivisions and cabin rental areas, and RV parks. This letter will confirm our support for such a 'Regional' water system in your area, as well as our willingness to provide technical assistance from my staff and Roger Foisy, P.E., District Engineer as you begin to form this new system.

Ken Castles
Page 2
May 15, 2007

If you have any questions, please call Roger Foisy, P.E., District Engineer, at (435) 896-5451 or myself at (801) 536-0048.

Sincerely,

DRINKING WATER BOARD



Kenneth E. Wilde, P.E.
Assistant Executive Secretary

RF

cc: Roger Foisy, P.E., District Engineer
Bruce Costa, Env. Director, Central Utah Health Department



State of Utah

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Governor

GARY HERBERT
Lieutenant Governor

May 16, 2007

John Johnson
Mountain View Community Park, LLC
7 South Main Street, #201
Tooele, Utah 84074

Dear Mr. Johnson:

Subject: Drinking Water Board Ruling - Stipulated Penalty System # 20034

Patti Fauver and John Oakeson, of my staff, met with you on April 24, 2007 to discuss the compliance status of the Mountain View Community Park, LLC drinking water system. It was determined that Mountain View Community Park, LLC would be classified as a transient non-community system based on the information presented at this meeting.

The requirement for a Drinking Water Source Protection Plan was also discussed. The system well was completed prior to 1993. Therefore, as a non-community system, a DWSP plan will not be required as per the previous Bilateral Compliance Agreement. Patti recommended that Mountain View Community Park, LLC collect a Total Inorganic Water Chemistry for the well. This sample analysis was recommended because of the number of full time residents being served by the Mountain View Community Park, LLC system.

Patti put forth a proposal, to be taken to the Drinking Water Board, that the cost of the Total Inorganic Water Chemistry sample be deducted from the \$3,500.00 stipulated penalty. The Drinking Water Board discussed this proposal during their May 11, 2007 Board meeting. The Board granted a one time exception to deduct the cost of the water chemistry sample from the \$3,500.00 in stipulated penalties provided the following conditions are met:

1. A Total Inorganic Water Chemistry be collected from the well.

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

2. A copy of the chemical analysis results will be sent to each individual customer served by the Mountain View system.
3. A copy of the chemical analysis results, and a copy of the paid invoice for the sample along with the balance of the \$3,500.00 must be submitted to the Division of Drinking Water within 30 days of the receipt of this letter.

Should you choose not to accept the terms of this exception, the \$3,500.00 stipulated penalty is due and payable within 30 days of the receipt of this letter.

Please feel free to call Patti Fauver, (801) 536-4196 or John Oakeson (801) 536-0057, of my staff, if you have questions regarding this matter.

Sincerely,

DRINKING WATER BOARD



Kenneth H. Bousfield, P.E.
Executive Secretary

PHF:jho

cc: Patti Fauver, Rules Section Manager
Roger Foisy, P.E., District Engineer
John Vercoe, Environmental Health Director, Central Utah Public Health Department
System # 20034 File



State of Utah

Department of
Environmental Quality

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Executive Secretary

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

May 11, 2007

The Honorable Robert Bennett
U.S. Senate
431 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Bennett:

Subject: Funding for State Safe Drinking Water Program

We are writing this letter in support of testimony you heard from James Taft, representing the Association of State Drinking Water Administrators (ASDWA). On April 24, 2007, he presented ASDWA's position before the Environment and Related Agency Subcommittee of the Senate Appropriations Committee, regarding the budget of the U.S. Environmental Protection Agency (EPA).

We, the Utah Board of Drinking Water, are a Board appointed by the Governor as outlined by Utah statute with the responsibility of protecting and safeguarding the public drinking water supplies in Utah.

We are in support of the recommendations made by ASDWA with respect to funding for state drinking water programs in the EPA budget. Specifically:

- the public water system supervision grant should be increased to the amount of \$112,000,000
- the Federal Drinking Water State Revolving Loan Fund should be increased to \$1,000,000,000
- \$6,000,000 should be appropriated for drinking water programs to proceed with innovative security initiatives.

In addition to the ASDWA testimony (attached), we have the following comments. The federal grant given to the states to implement the Federal Safe Drinking Water Act has been declining over the past years. During the same time, a number of rules have been adopted by EPA, in accordance with

The Honorable Robert Bennett, Senator
Page 2
May 11, 2008

the Federal Safe Drinking Water Act. Furthermore, while our state legislature has provided funding for the state share (35%) of cost-of living increases for employees, no such increased funding is provided in the federal grant for the federal share (65%) of this basic cost-of living increase. In fact, state programs are taking a disproportionately large share of funding cuts. While the Division of Drinking Water and the Drinking Water Board have the responsibility of implementing the drinking water program, there has been no increased funding for the increased workload or personnel costs.

Therefore, we would appreciate your support and vote for the increased funding as indicated above. If you have any questions concerning this issue, please feel free to contact our Executive Secretary, Ken Bousfield, at (801) 536-4207. We greatly appreciate your consideration of this matter.

Sincerely,



Anne N. Erickson, Ed.D.

Chair

Utah Board of Drinking Water

khb

Enclosure

cc: The Honorable Orrin Hatch, U.S. Senator
The Honorable Rob Bishop, U.S. Representative
The Honorable Jim Matheson, U.S. Representative
The Honorable Chris Cannon, U.S. Representative

Association of State Drinking Water Administrators

**Testimony to the Senate Interior, Environment, & Related Agencies Subcommittee of
the Senate Appropriations Committee
April 24, 2007**

James D. Taft, Executive Director, on behalf of the Association of State Drinking Water Administrators (ASDWA), is pleased to provide testimony to the Interior and Related Agencies Subcommittee on FY 08 Appropriations for the U.S. Environmental Protection Agency. ASDWA represents the state drinking water programs in each of the fifty states and territories in their efforts to ensure the provision of safe drinking water to more than 275 million consumers nationwide. ASDWA's primary mission is the protection of public health through the effective management of state drinking water programs that implement the Safe Drinking Water Act (SDWA).

Summary of Request:

ASDWA respectfully requests that, for FY 08, the Subcommittee appropriate funding for three state drinking water programs at levels commensurate with Federal expectations for performance and at levels that continue to ensure appropriate public health protection. Specifically, ASDWA requests an appropriation of \$112 million for the Public Water System Supervision (PWSS) program; 1 billion for the Drinking Water State Revolving Loan Fund (DWSRF) program; and \$6 million for state drinking water program security initiatives. A more complete explanation of the needs represented by these requested amounts and a further explanation of these particular requested levels follows.

How States Use Federal Funds:

States Need Increased Federal Support to Maintain Public Health Protection: State drinking water programs strive to meet their public health protection goals through two principal funding programs: the Public Water System Supervision Program (PWSS) and the Drinking Water State Revolving Loan Fund (DWSRF) Program. These two programs, with their attendant state match requirements, provide the means for states to work with drinking water systems to ensure that American citizens can turn on their taps with confidence that the water is safe to drink and that the supply is adequate. In recent years, state drinking water programs have accepted additional responsibilities to work with all public water systems to ensure that critical drinking water infrastructure is protected and that plans are in place to respond to disasters both natural and manmade.

The PWSS Program: To meet the requirements of the SDWA, states have accepted primary enforcement authority for oversight of regulatory compliance and technical assistance efforts for 160,000 public water systems to ensure that potential health-based violations do not occur or are remedied in a timely manner. Going beyond these longstanding core responsibilities, since 1996, state drinking water programs have participated in the development and implementation of more than 20 new Federal regulations and strategic initiatives designed to enhance the protection of public health. States are also implementing an array of proactive initiatives to protect public health from "source to tap" – including source water assessments and controls; technical assistance with water treatment and distribution; and enhancement of overall water system capacity. State activities go well beyond simply ensuring compliance at the tap.

The DWSRF Program: In a little over 10 years, states have leveraged funding for the DWSRF program into more than \$11 billion in loans to thousands of communities as a means to help them improve the quality and quantity of the water they drink. State drinking water programs have also used DWSRF funds to support the technical assistance and training needs of small drinking water systems and to help them obtain the technical, managerial, and financial proficiency that enables them to meet the requirements of the SDWA.

State Drinking Water Security Responsibilities: Since the event of September 2001, as well as since the recent experiences of Hurricanes Katrina and Rita, states have taken extraordinary measures to meet the security and emergency response-related needs of the drinking water community. State drinking water programs have responded to the significant number of requests for assistance, training, information, and financial support from the systems under their purview as well as support utility-based mutual aid networks. States have also been instrumental in providing support and assistance to systems in assessing whether a contamination event has occurred and, if so, evaluating the magnitude of the public health implications. States have devised training and technical assistance programs, initiated new communications structures, and begun the work of integrating the concepts of enhanced security concerns throughout all aspects of the drinking water program.

Why Increased Funding is Critically Needed:

States must accomplish all of the above-described activities and take on new responsibilities while responding to escalating pressures to further cut their budgets, streamline their workforces, and operate with less state-provided financial support. State drinking water programs have always been expected to do more with less and states have always responded with commitment and ingenuity. However, state drinking water programs are now in crisis. Congress and the Executive Branch, through EPA, have implemented national program guidance calling for both states and water systems to continually improve their contaminant rule compliance rates. However, many states are now experiencing declining compliance rates in the face of declining or stagnant financial resources. Decreases in available Federal dollars increase the likelihood of a contamination event that puts public health at risk.

Although the 1996 SDWA Amendments authorized the PWSS Program at \$100 million per year, appropriated amounts have only recently reached or come close to that originally-authorized level. (\$98.2 million was appropriated for the PWSS program in FY 07.) Of the \$1.2 billion in PWSS grants that states could have received since 1996, actual appropriations have only been \$949 million through FY 06. This level of funding, 11 years after enactment, is now woefully inadequate for the enormity of the task faced by state drinking water programs. In FY 06, State drinking water program administrators identified an annual shortfall nationally of approximately \$360 million between available funds and those needed to administer their programs. That gap continues to grow and has consequences. It is estimated that one-third of the states may not be able to conduct timely implementation of major provisions of the newer regulations, leaving the work undone or forcing U.S. EPA to undertake rule implementation tasks that they may not have the resources or expertise to perform. This situation has been illustrated, over the past year, in several states being unable to undertake all or part of the initial phases of the most recent microbial contaminant/disinfection by-products rules (known as LT 2/Stage 2). This situation could create a significant implementation crisis in several regions of the country and ultimately delay implementation of several critically needed public health protections.

Similarly, for the DWSRF, the authorized level of \$1 billion per year has never been appropriated. States have received less than 80% of the \$11 billion authorized for the DWSRF program since 1996. This under funding, coupled with the decline in the spending power of these dollars due to inflation and cost of living increases, has severely hampered state drinking water programs' ability to fulfill their mission and provide critically needed support to drinking water systems.

FY 08 Request Levels and SDWA Program Obligations:

The PWSS Program: The State PWSS program request level in the Administration's budget is \$99.1 million. This reflects an alarming downward trend from prior year Administration requests and the enacted budget high point of \$101.9 million appropriated just three years ago -- in FY 04. State drinking water programs are hard pressed to understand a justification for the decreased funding since this is the year when they must begin critical phases of implementation of the LT 2/Stage 2 Rule cluster -- two very sophisticated and complex initiatives as well as prepare to implement the recently promulgated Ground Water Rule and soon-to-be promulgated changes to the Lead and Copper Rule. States want to offer the flexibilities allowed under these and other rules; however, fewer dollars mean less opportunities to work one-on-one with water systems to meet their needs. Looking ahead, states expect that new rules for contaminants on EPA's Contaminant Candidate List will be forthcoming. Revisions to the Total Coliform Rule and possibly, a new distribution system rule are planned over the next few years. The number of regulations requiring state implementation and oversight as well as performance expectations continue to grow while, at the same time, Federal funding support necessary to maintain compliance levels and meet expectations is in decline.

ASDWA, therefore, respectfully requests that the FY 08 funding for the PWSS program be appropriated at \$112 million. This figure represents a baseline of \$101.9 million as appropriated in FY 04 plus an additional 2.5% increase over the past three fiscal years and into FY 08 to adjust for inflation. (Note: ASDWA also calls the Committee's attention to an alternative states' Budget for FY 08 developed by the Environmental Council of the States (ECOS). The level recommended in that budget for the PWSS program, 104,170,000, would represent a welcome increase in the appropriated amount of recent years. The PWSS appropriation should be at least that amount; however, as noted above, we believe a significantly greater appropriation is warranted.)

The DWSRF Program: The FY 08 DWSRF program request in the President's budget is "flat-lined" at \$842 million and reflects no change from the FY-07 request and continues the downward funding trend of the three previous years -- an \$8 million decrease. The primary purpose of the DWSRF is to improve public health protection by facilitating water system compliance with national primary drinking water regulations through the provision of loans to improve drinking water infrastructure. EPA's most recent National Drinking Water Infrastructure Needs Survey (2003) indicated that water system needs total \$276.8 billion over the next 20 years to comply with SDWA mandates. Despite these documented needs, the maximum amount requested by the Administration for the DWSRF has been \$850 million and Congress has appropriated less than those requested levels. Without reasonable increases, the DWSRF will never be able to meet the SDWA compliance and public health protection goals for which it was designed.

ASDWA, therefore, respectfully requests that the FY 08 funding for the DWSRF program be appropriated at authorized level of \$1 billion.

Security Responsibilities: The Administration's FY 08 budget request includes \$4.9 million for state drinking water programs to continue to expand their security activities, particularly for small and medium systems and support utility-based mutual aid networks for all drinking water systems. While states are appreciative of the funding, once again it is difficult to understand why the request level is decreased from previous years. Given the realities exemplified by ongoing Homeland Security initiatives, the anticipation of metrics under the National Infrastructure Protection Plan, and the lessons learned from Hurricanes Katrina and Rita, state drinking water programs are working more closely than ever with their water utilities to evaluate, assist, and support drinking water systems' preparedness and response capabilities. Beyond the mandates of the Bioterrorism Act of 2002, states are being directed to expand their efforts to reflect an "all hazards" approach to water security and to focus their efforts toward smaller water systems not covered by the Act. These systems are much less likely to have the organizational or financial wherewithal to better secure either their physical or cyber infrastructures and rely on the states to help them meet their needs and identify potential funding sources (DWSRF). There is no dedicated fund to support or assist these smaller systems.

ASDWA, therefore, respectfully requests that the FY 08 funding for the state security initiatives program be appropriated at \$6 million. This figure represents a maintenance baseline consistent with previous year funding request levels adjusted for the eroding effects of inflation since the originally appropriated level of \$5 million in FY 02.

Conclusion

In conclusion, ASDWA respectfully recommends that both state and Federal FY 08 budget needs for the provision of safe drinking water be adequately funded by Congress. The Subcommittee can meet those needs through relatively modest increases in funding over the Administration's requested FY 08 budget or by a "budget-neutral" reallocation of funding within the overall budget of the U.S. Environmental Protection Agency. ASDWA calls the Subcommittee's attention to the aforementioned alternative state-recommended FY 08 budget developed by the Environmental Council of the States (ECOS) as a constructive starting point for these discussions.

A strong drinking water program supported by the Federal-state partnership will ensure that the quality of drinking water in this country will not deteriorate and, in fact, will continue to improve – so that the public can be assured that a glass of water is safe to drink no matter where they travel or live. States are willing and committed partners. Additional Federal financial assistance is needed, however, to meet ongoing and ever growing regulatory and security needs. In 1996, Congress provided the authority to ensure that the burden would not go unsupported. In 2007, ASDWA asks that the promise of that support be realized.

ASDWA appreciates the opportunity to provide this testimony to the Subcommittee for its consideration and stands ready to work with the Subcommittee to ensure the continued protection of public health through provision of safe drinking water. Should questions or the need for additional information arise, please contact James D. Taft, ASDWA's Executive Director, at (703) 812-9507



State of Utah

Department of Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

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Governor

GARY HERBERT
Lieutenant Governor

May 7, 2007

Rick Wilberg
Bryant Fork Summer Homes
P.O. Box 433
Tabiona, Utah 84072

Dear Mr. Wilberg:

Subject: Notice of Violation and Order Number 0705001

Bryant Fork Summer Homes Drinking Water System is a public water system, and as such, is subject to the Administrative Rules for Public Drinking Water Systems (copy available upon request). Under Utah Administrative Code R309-100-4 a water system is considered to be a public water system, when 25 or more people are served water for at least 60 days, or 15 or more water system connections are served, even though the water system is privately held.

In the last four years of operation, 265 violation points have been assessed against the Bryant Fork Summer Homes Drinking Water System. Under our Improvement Priority System (IPS), non-community water systems exceeding 100 points are rated "Not Approved", and are placed on a priority list for enforcement actions. The Bryant Fork Summer Homes Drinking Water System is currently rated "Not Approved" by our office. Further, because of these violations, the Drinking Water Board is issuing the attached Notice of Violations and Order to ensure compliance.

Please give this order your immediate attention. A written response is required within 30 days after receipt of this NOTICE. This order is fully enforceable, unless appealed in writing within 30 days, as described in the "Notice" section of the Notice of Violation and Order. Any response or written answer to this NOVO should be addressed to Kenneth H. Bousfield, P.E., Executive Secretary, Drinking Water Board, P.O. Box 144830, Salt Lake City, Utah 84114-4830.

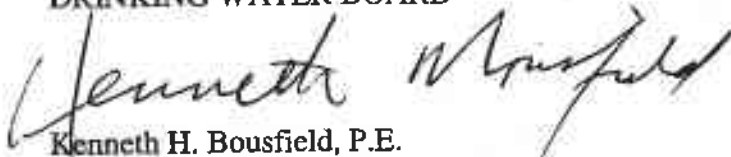
CERTIFIED COPY - RETURN RECEIPT REQUESTED

Rick Wilberg
Page 2
May 7, 2007

If you have any questions, please call Kim Dyches, of my staff, at (801) 536-4202. A phone call to the Division of Drinking Water does not alter the requirement to respond in writing if you wish to contest the Notice and Order.

Sincerely,

DRINKING WATER BOARD



Kenneth H. Bousfield, P.E.
Executive Secretary

DKD

Enclosure

cc: Phil Wright, Env. Director, Wasatch County Health Department
M. M. Hubbell, Attorney General's Office

In the Matter of
Bryant Fork Summer Homes

Notice of Violation and Order
Case No. 0705001

FACTS AND VIOLATIONS

The Drinking Water Board ("Board") issues this Notice of Violation and Order under the Utah Safe Drinking Water Act ("Act"), including Utah Administrative Code ("UAC") sections 19-4-104, -105, -106, -107, and -109, and in accordance with the Utah Administrative Procedures Act, section 63-46b. et seq.

1. Bryant Fork Summer Homes owns and operates a culinary water system known as the Bryant Fork Summer Homes water system, in Wasatch County, Utah. The Bryant Fork Summer Homes water system is a public water system in Wasatch County that provides drinking water to an estimated 50 people through approximately 24 active connections. Rick Wilberg, is the Manager, of the Bryant Fork Summer Homes water system.
2. A copy of Bryant Fork Summer Homes water system's IPS report (included with Public Water system Master Report) documents that 265 IPS points have been assessed against the water system as of May 3, 2007.
3. The Bryant Fork Summer Homes water system violated UAC R309-105-12 (2) (a, b, c, d, & e) by failing to have a written ordinance, to provide public education, to have an operator with training, to have written records of activities and to have on-going enforcement for its Cross Connection Control Program.
4. The Bryant Fork Summer Homes water system violated UAC R 309-205-5(4) by not monitoring for Nitrates on the spring source in 2006.
5. The Bryant Fork Summer Homes water system violated UAC R309-515-7(7)(h) which requires a spring to have a permanent flow measuring device.
6. The Bryant Fork Summer Homes water system violated UAC R309-515-7(7)(d) references UAC R309-545-10(1) which requires #4 mesh screen, and a minimum of a 12 inch freefall on the drain line.
7. The Bryant Fork Summer Homes water system violated UAC R309-515-7(7)(e) by failing to have a stock tight fence around the collection area.
8. The Bryant Fork Summer Homes water system violated UAC R309-545-9(2)(b) by failing to have openings in the tank roof welded, gasketed or curbed and sleeved to prevent contamination and vandalism.

9. The Bryant Fork Summer Homes water system violated UAC R309-510-7 by failing to have source capacity to meet both the peak day demand and the average yearly demand.
10. The Bryant Fork Summer Homes water system violated UAC R309-510-8 by not having adequate storage capacity.

ORDER

The Bryant Fork Summer Homes water system is hereby ordered to:

- 1.0 Bryant Fork Summer Homes water system must comply with paragraph 3 of the Facts and Violations above by having written by-laws, provide a public awareness program, have an operator with training, provide written historical records, and provide on-going enforcement for the Cross Connection Control Program as described in UCA R309-105-12. Proof of compliance with paragraph 3 must be provided to the Division of Water Quality within 90 days of receipt of this Notice and Order.
- 2.0 Bryant Fork Summer Homes water system must comply with paragraph 4 above of the Facts and Violations and collect the required routine Nitrate samples in accordance with UCA R309-205-5(4). Proof of compliance with paragraph 4 must be provided to the Division of Water Quality within 30 days of receipt of this Notice and Order.
- 3.0 Bryant Fork Summer Homes water system must comply with paragraphs 5, 6 and 7 above by submitting a time line with its intent regarding a completion time for correction of the violations listed in the Facts and Violations as described in UCA R309-515-7. Proof of compliance with these paragraphs must be provided to the Division of Water Quality within 30 days of receipt of this Notice and Order.
- 4.0 Bryant Fork Summer Homes water system must comply with paragraph 8 above by submitting a time line with its intent regarding a completion time for correction of the violations listed in paragraph 8 of the Facts and Violations described in UCA R309-510-7. Proof of compliance with paragraph 8 must be provided to the Division of Water Quality within 30 days of receipt of this Notice and Order.
- 5.0 Bryant Fork Summer Homes water system must comply with paragraph 9 above by submitting a time line with its intent regarding a completion time for correction of the violations listed in paragraph 9 of the Facts and Violations described in UCA R309-510-7. Proof of compliance with paragraph 9 must be provided to the Division of Water Quality within 30 days of receipt of this Notice and Order.
- 6.0 Bryant Fork Summer Homes water system must comply with paragraph 10 above by submitting a time line with its intent regarding a completion time for correction of the violations listed in paragraph 10 of the Facts and Violations described in UCA R309-510-8. Proof of compliance with paragraph 8 must be provided to the Division of Water Quality within 90 days of receipt of this Notice and Order.

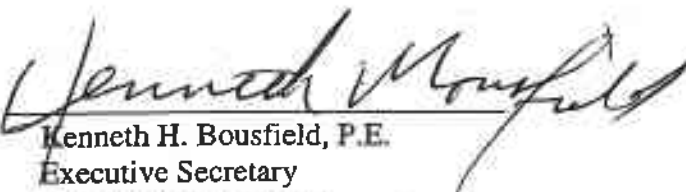
NOTICE

If the management of Bryant Fork Summer Homes water system wishes to contest this "Notice of Violation and Order", they must respond in writing and request a hearing before the Drinking Water Board. The response and request for a hearing must be received by the Executive Secretary (at the address listed below) within 30 days of the date shown on the certificate of mailing. See Utah Code Annotated Section 63-46b-3 (2)(a)(vi) and Section 63-46b-12. **If you do not request a hearing in writing and participate in the hearing, the Order will become final and you will not be allowed to contest this Notice of Violation in court.** See Utah Code Annotated Section 53-4b-14(2). Utah Code Annotated Section 19-4-109 states that anyone who violates the Utah Safe Drinking Water Act, permit, rule, or order is subject to a civil penalty of up to \$1,000 per day of violation. Willful violators may be fined up to \$5,000 per day.

Date this: 7 day of May, 2007

DRINKING WATER BOARD

By:


Kenneth H. Bousfield, P.E.
Executive Secretary
Drinking Water Board
C/O Division of Drinking Water
P.O. Box 144830
Salt Lake City, Utah 84114-4830
Phone: (801) 536-4200